

الجمهورية الجزائرية الديموقراطية الشعبية

وزارة التعليم العالي والبحث العلمي

جامعة الجزائر

كلية أصول الدين

الخروبة - الجزائر

نظرية التعسف في استعمال الحق وأثرها في أحكام فقه الأسرة

- دراسة مقارنة بين الشريعة و القانون -

بحث مقدم لنيل درجة الماجستير في الشريعة والقانون

إعداد الطالب

العر يدي

إشراف الأستاذ الدكتور

نصر سلمان

السنة ا امعية

1422هـ/2001-2002م

شكر وتقدير

لست أملك في نهاية ترحالي عبر رياض ومحطات هذا البحث وظلاله الوارفة، إلا أن أتوجه بأعظم الشكر و الحمد والثناء لله عز وجل علي كريم وواسع فضله بأن ألهمنا التوفيق والسدّاد حتى أنجزنا هذا العمل، رغم كثير أخطائنا وزلاتنا، وله الحمد أن وفقنا إلى شكره في آخره، لأنه لا معنى لتوفيق حرم صاحبه نعمة شكره

لو ظلت الروح في شكر لبارئهـــا   بعد نجم السما في الآت والأزل
لم أوف شكـراً لما قد خطّه قلمي   في ذا الكتــاب بلا كلٍ ولا ملل
فاغفر إلاهي لمن بالضعف معترف   يا من بعثت إلينا أكرم الرسل

كما أتوجه بأسمى آيات ومعاني الشكر لمن أخذ بيدي أثناء إنجاز هذا البحث، وغمرني بجميل تواضعه وجمّ أدبه. والذي فتح لي باب قلبه قبل بيته، وتحملني بصدر رحب إلى أن أثمر العرف بعد طول انتظار، الأستاذ المشرف الدكتور نصر سلمان.

وكذا أتقدم بخالص شكري وامتناني إلى سعادة الأمين العام لمركز الملك فيصل للبحوث والدراسات الإسلامية بالمملكة العربية السعودية على ما أمدنا به من مادة علمية كانت كالغيث النافع الذي أروى صفحات هذا البحث فأورق وأزهر.

دون أن أنسى بالشكر لكل من كان له فضل في تعليمي وتكويني منذ المرحلة الابتدائية إلى مرحلة الدراسات العليا، من معلمين وأساتذة ودكاترة فلست إلا حسنة من نبل رسالتهم [**وما أبرئ نفسي إن النفس لأمارة بالسوء**].

وشكري جزيل إلى كل من أفادنا بكتاب أو معلومة أو نصح أو كلمة طيبة شحذ بها همتنا في فترات إنجاز هذا البحث، وإلى الذي صبر على كتابة هاته الرسالة وطباعتها وإخراجها في أجمل حلّة.

فجزاهم الله عني كل خير فهو نعم المجازي ونعم المكافئ.

الإهـداء

إلى كل الصانعين من أجسادهم وأرواحهم وحجارتهم جسرًا يعبر من خلاله القدس إلى جنة الحرية، إلى شهداء ومجاهدي وأطفال الأقصى المبارك.
إلى من زرعاني كالبذرة في تربة العلم،وظلا يتعهدانها حنانا وعطفا ورعاية إلى أن وصلت النبتة إلى ما هي عليه. إليكما يا من تعلمت منهما ما لم أتعلمه طوال مشوار الدراسة، إليكما يا من تعلق قلبيكما بهذا البحث أكبر مما تعلقت به، إليكما يا أحلى اسمين نطقت بهما شفتاي بعد اسم الله ورسوله، إلى والدي الكريمين: أمي وأبي.

إلى اخوتي كفاء صبرهم على كثير مطالبي أثناء إنجاز هذا البحث، إلى الأخت الوحيدة الغالية، كفاء عنايتها بي في ليالي إعدادي الرسالة، إلى الأخ الأكبر وحرمه ووردتهما اليانعة "جهاد ".

إلى كل أفراد أسرتي وأهلي جزاء تحفيزهم لي خلال مشوار إنجاز هذا البحث حتى أثمر وأينع.

إلى رفاق الدراسة الذين كان جدهم واجتهادهم دافعًا كبيرًا في الوصول إلى مرحلة الدراسات العليا إلى الدفعة الأولى لقسم الشريعة والقانون بجامعة الأمير عبد القادر.

إلى الرفيق الذي تقاسمنا معًا عناء مرحلة الدراسات العليا محمد سايحي وإلى الرفاق: الزين عزري، عز الدين بوخاري، يحي بلمولود، مصطفى دنفير، لن أنساكم ولن أنسى ساعة جمعتنا أيام الجد والدراسة.

إلى كل الزملاء والأساتذة والإداريين وإلى تلامذتي بثانوية الشهيدين بابن سرور.

إلى كل هؤلاء أهدي هذا البحث وأحتسبه عند الله صدقة جارية.

الــديــبــاجــة

يقول الله تعالى: [**وأنزلنا إليك الكتاب بالحق مصدّقًا لما بين يديه من الكتاب ومهيمنا عليه فاحكم بينهم بما أنزل الله ولا تتبع أهواءهم عما جاءك من الحق لكل جعلنامنكم شرعة ومنهاجًا**]
سورة المائدة الآية 48

يقول الإمام ابن قيم الجوزية: " **من له ذوق في الشريعة واطلاع على مالها وتضمنها لغاية مصالح العباد في المعاش والمعاد، ومجيئها بغاية العدل الذي يسع الخلائق، وأنه لا عدل فوق عدلها، ولا مصلحة فوق ما تضمنته من المصالح... لم يحتج معها إلى سياسة غيرها البته** "

كتاب الطرق الحكمية

يقول العلامة سانتيلانا: " **إن في الفقه الإسلامي ما يكفي المسلمين في تشريعهم المدني إن لم نقل ما يكفي الإنسانية كلها** "

د. مصطفى شلبي، الفقه الإسلامي بين المثالية والواقعية

يقول الإمام محمد الغزالي: " **لم يكن الإسلام فكرة يحكم بها فيلسوف، أو نظرة ينقطع لها راهب بل كان دينًا تتغيّر به النفوس وتنتقل به من أدنى إلى أعلى وتتغير به المجتمعات تغيرًا يصبّها في قوالب جديدة من صنع الله لا أثرًا لصنع الناس** "

من كتاب علل وأدوية



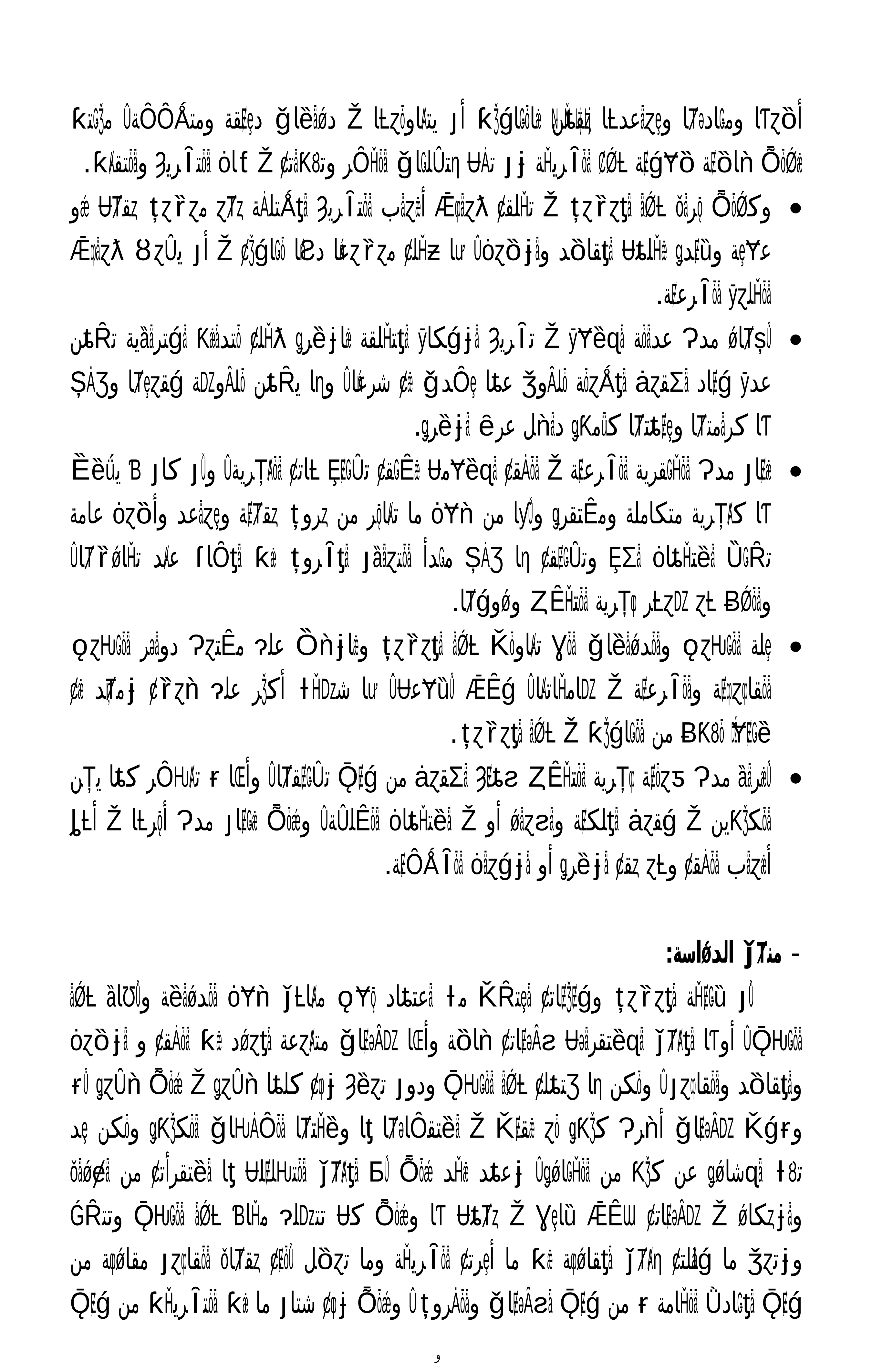
المقدمة

بسم الله الرحمن الرحيم

المقدمة

[illegible]

- أهمية الدراسة:



Ž Ǩęζöä ğáæ Ž ǨΐيԼ ومΐ ÛÆəlȍ عقل Ƀǽ ÆɆöǡ كل عاԸ ԸǺΣ ɍ ɩɯ ƖȽȾǺɆǽ ǟريةȽζƨǟ ȧوǺöä

دǿ ƖȽɆζ ȳǖل عاكΐǽ ǟريةȚǺöǽ ĘɪǨɨ ƖȽɆζ ɃǟâǺƨǟ ƫرΐƫǟ ȻعتƖدǟ ما ǬǶǡöä ǟØȾ ɄǟɆǤÛɨöä Æɸɭƨǟ

من ǟȻȽȻƗɨÊ مǨǹɉǟ ǟØȽ ɈǤ ǿǤعتǡǽ Ûǥ رȅɉǟ ȼقȤ Ž دǿ وǿǤ ƖȽɆζ ǖǿقاɆǤÛɨǽ ĘɪǨɨ أو ما ǟȽƫɔ ɈζɸقاǟǟĞ Ž

ǖǤكاȳ ǟيرΐöä ǟǨΥȅqǟ ǟɆمȅوǟȅɨ ما ȝكن ǟȻȅɨلاȼǟƊȍǟ كلاƖ ǟɨƐɨƗɁ رمɉǟ ǽÕö.

- :ǬǶǡɪ ǟÛǹ

ǟقد Ûɸرğ ɈƨتكǤ ɈǹǺ ǟÛǹ ɄǮɯɭ ǟöäɃ وǟƨȼȽ øǽ:" **نظرية التعسف في استعمال الحق وأثرها في أحكام فقه الأسرة - دراسة مقارنة بين الشريعة والقانون -** " ǟǹÛ ǟÊɆǤÛ تقȍ Ž ǟǿȽƘÊǤ متǟζȁȅǟɸ من Ǭɉǡǿ وǟǨǥöä ğǤǨɨɉǟ ǕÕöǽ ǗǤيǟÊȾɭ باǨɆɨȅǟ ƫζȑζƫǟ

ǟكل ɸǿØɈ مȝǟÛɭ عاԸ ǟØȾ ǟǬǶǡöä Û ȼǟɨǨƊζζ Ž ɉǟΥɸ ǟζÔζ.

- **الفصل ǟɉǕ: ǟɨɈǥǿɬ** وǟǟöäɃ ǟǨɨيǭ كƖǟǹɭ ǬǶǡɭ وȑɨǨǨ ǨɆɍ ǟȅɉǟȅ Ǟöä ɬɉǤ علɆȾɪ ǟريةȚɸ ǟǞǤɨöä ǹǿǟǬ ǟȾɈǿɁ ǟǫǿΥɸ ǟǿǿä مدة عاԸ ǗǽÕöǿ وǟقɆǤɨȾÛǟǿɁ ǘΣǟ ǟɨƖǨɨȅǟ Ž ǞÊǨɨöä ǟɨȾɭ ǟǟǖɈ Ž ǟǙ وǟǨǨ ǟɸɨǟ ǟɨȾɭ ǟǤȾɨɉǟ ǟǝǟǤɨǟ ǟǹɭ ǟǞΣǟ ǟǙɸǤǟɨ ǟǨɨǟ ǟǨǟǨǞȓǟǙǨ ǟǩǟǩǙǩ ǟǡǥ ǟǢǥ ǟǤǥǟǤ ǟɨǟǨɨ.

- **الفصل ǟɨɈɨǕ:** وǟǟöäɃ كار ǟɄɆǡ أدǟة ومǟǡيدǟğ ǟريةȚɸ ǟǞÊǨɨöä Ž ǟɨǟǟɨǟɨ ǟɨȾȅǟǟǟ.

- **الفصل [illegible]:** و[illegible] [illegible] [illegible] و[illegible] [illegible] أثر [illegible]
وت[illegible] [illegible] أ[illegible] من [illegible] أمثلة على مدة [illegible]
و[illegible] ما يترتب [illegible] من أ[illegible] على [illegible]
عند [illegible] من [illegible] من [illegible] عن [illegible]
و[illegible] و[illegible] [illegible] و[illegible].

و[illegible] [illegible] [illegible] [illegible] و[illegible] [illegible].

- **العز[illegible]:**

- [illegible] أكثر [illegible] و[illegible] [illegible]
[illegible] و[illegible] و[illegible] [illegible] أ[illegible]
مقدار [illegible] ولكن [illegible]! كان [illegible] على
[illegible] [**[illegible]** ! [illegible]
. [**[illegible]**]

- [illegible] من [illegible] و[illegible] و[illegible]
[illegible] و[illegible] [illegible] بحدود
وما [illegible] أن [illegible] يكن أن [illegible] يكتب [illegible]
[illegible] كتب ما [illegible] شتان [illegible] أما [illegible]
[illegible] من [illegible] ما كتب [illegible]
[illegible] ما [illegible] ويكن [illegible].

- [illegible] عن [illegible] تقل [illegible] و[illegible]
[illegible] و[illegible] و[illegible] [illegible] و[illegible]
على عاتق [illegible] و[illegible] أمامه [illegible] ولكن [illegible]! يجبر [illegible]
[illegible] و[illegible] من [illegible] لقد [illegible] و[illegible]
[illegible] و[illegible] و[illegible] [illegible] أمام [illegible]
ولكن [illegible] من [illegible] تقول: "[illegible] كل [illegible]".

[illegible]

[فاطر السموات والأرض أنت و ليي في الدنيا والآخرة توفني مسلمًا وألحقني بالصالحين][1]

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[1] [illegible] 101.



الفصل [illegible]

[illegible]

[illegible] وتكر [illegible] [illegible] تد [illegible] و [illegible] [illegible] [illegible] وامل م [illegible] [illegible] [illegible] و [illegible] [illegible] [illegible] وامل [illegible] يكن [illegible] [illegible] من [illegible] ما [illegible].[1]

[illegible] عل [illegible] ومت [illegible] عل [illegible] وود [illegible] عد [illegible] [illegible] كل [illegible] اعة تتكل عل [illegible] وت [illegible] ع [illegible] ة م [illegible] تركة [illegible] أما [illegible] متكر [illegible] أو [illegible] من [illegible] و [illegible] يد [illegible] من. [illegible] كا [illegible] و [illegible] [illegible] وددو [illegible] يكن و [illegible] من [illegible] اللرية [illegible] عل [illegible] شا [illegible] رية [illegible] روو [illegible] - [illegible] - [illegible] من [illegible] و [illegible] [illegible] و [illegible] [illegible] تلا [illegible] و [illegible] [illegible] اتر وت [illegible].[2]

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[1] [illegible] : د. [illegible] ود. [illegible] ود. [illegible] .1 ط [illegible] 1980 ص 253.

[2] [illegible] : د. [illegible] ود [illegible] 1993 ص 175.

من [illegible] و[illegible]تقر[illegible] [illegible]رية و[illegible]تكا[illegible]. [illegible]كن و[illegible]

[illegible] من [illegible]رو[illegible] [illegible]ديد م[illegible] [illegible]ديد [illegible]

م[illegible] [illegible]كل [illegible] أمن و[illegible]تقر[illegible] [illegible] و[illegible] يد[illegible]

[illegible]رد [illegible] ما [illegible] يد [illegible] و[illegible]د [illegible] وعامل [illegible] عل[illegible] ما [illegible]

و[illegible]د[illegible] [illegible] ودو[illegible] [illegible]ر عن مد[illegible] [illegible]

[illegible]كر[illegible] و[illegible]د[illegible] [illegible]د[illegible] و[illegible]عتد[illegible] [illegible] و[illegible] من [illegible]ت[illegible] و[illegible]د

[illegible] [illegible]د[illegible] [illegible].

[illegible] [illegible]من و[illegible]تقر[illegible] [illegible] يت[illegible] [illegible]كل [illegible] [illegible]رية [illegible] و[illegible]

[illegible]ديد م[illegible] و[illegible] [illegible]رو[illegible] تد[illegible] [illegible]ر[illegible]

[illegible] [illegible]دد[illegible] [illegible] [illegible]دود[illegible] [illegible] عل[illegible] [illegible]

أ[illegible]ر[illegible] [illegible]كل [illegible] و[illegible]. ومن [illegible]ر[illegible] [illegible] كا[illegible] [illegible]

[illegible] تكا[illegible] [illegible] [illegible] و[illegible] ما عر[illegible] [illegible]ر[illegible] [illegible].[3]

و[illegible] عل[illegible] كل [illegible] [illegible]كر[illegible] [illegible]د[illegible] [illegible]لتاعل [illegible] [illegible]رد و[illegible] [illegible]

[illegible] [illegible]رد [illegible] و[illegible] [illegible] [illegible]رد [illegible] ويرتق[illegible] [illegible]

و[illegible]رية.[4]

و[illegible] من [illegible] وكا[illegible] [illegible]ر[illegible] و[illegible] [illegible]

[illegible]رية[illegible] [illegible]ديد م[illegible] و[illegible] [illegible]ديد [illegible]كر[illegible] وم[illegible] [illegible]

[illegible] [illegible] [illegible] عل[illegible] [illegible]ر[illegible] و[illegible]دود [illegible]ريت[illegible] [illegible]د [illegible]

و[illegible] ومد[illegible] [illegible] [illegible]كامل [illegible]رية [illegible]

[illegible] عن [illegible]ديد [illegible]كر[illegible] من [illegible] و[illegible].

- [illegible]: من[illegible] [illegible]ر[illegible] [illegible]:

[illegible] [illegible] [illegible] عن [illegible]

[illegible] من [illegible] و[illegible]عد[illegible] و[illegible] [illegible]

و[illegible]تكا[illegible] [illegible] – كا[illegible] [illegible] عن [illegible] [illegible]رو[illegible] [illegible]

[3] د. م[illegible] [illegible] 1968 [illegible] 9 [illegible].

[4] د. ع[illegible] : ما[illegible] [illegible] . مقا[illegible] [illegible] [illegible]

[illegible] 4 [illegible] 33 [illegible] 1963 [illegible] 16.

كل [illegible] عن [illegible] [illegible] [illegible] [illegible] [illegible] ومـ[illegible] كل [illegible][5] [illegible]

[illegible] [illegible] [illegible] من [illegible] أو [illegible] [illegible] [illegible]

[illegible] و[illegible] [illegible] على [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] من [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] أو من [illegible] على [illegible] [illegible] ومـ[illegible].[6]

وعلى [illegible] على ما [illegible] وما [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] شرعه من [illegible] [illegible] على [illegible].[7] [illegible] [illegible]

[illegible] [illegible] من [illegible] وعلى [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] و[illegible] عن [illegible] [illegible]

[illegible] [illegible] [illegible] على [illegible] [illegible] [illegible] أ [illegible]

[illegible] [illegible] [illegible] ما [illegible] [illegible] [illegible][8] [illegible] يقول [illegible]

[illegible] [illegible] [illegible].[9]

ويقول [illegible]: "[illegible] ما [illegible] ! [illegible] وما كان [illegible] ! من [illegible] ! [illegible][10] ومن

[illegible] [illegible] من [illegible] ! كان ! [illegible] [illegible] [illegible]".[11] وما [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].[12]

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[5] د. [illegible] : [illegible] [illegible] 1982 [illegible] 13.

[6] نصًا: [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] على [illegible].

[illegible] : [illegible] [illegible] [illegible].

[7] د. [illegible] [illegible] 1969 [illegible] 421.

[8] [illegible] [illegible] (790) [illegible] [illegible] [illegible] 231. [illegible] [illegible] 182.

[9] [illegible] [illegible] 1975 [illegible] 377.

[10] [illegible] على [illegible] أن [illegible] يكاد أن [illegible] [illegible] على [illegible] مرده [illegible].

[11] [illegible] [illegible] 316.

[12] [illegible] [illegible] 421.

ويترتب على [illegible] تامة [illegible]:[13]

1. أ [illegible] ما [illegible] من شرع [illegible]
   [illegible] كان [illegible] و [illegible] عن [illegible] ما
   [illegible] على [illegible] من أن [illegible] يقع [illegible]
   [illegible] عن [illegible]:[14] "و [illegible] كان [illegible] ما تدل [illegible] أو [illegible]"[15] و [illegible]
   [illegible]:[16] "[illegible] على [illegible] و [illegible]
   عدم كان [illegible] و [illegible] كان [illegible]."[17]
2. أ [illegible] مقيد [illegible] من [illegible] كان [illegible] مقيد [illegible]
   [illegible].
3. أ [illegible] كان [illegible] أن [illegible]
   [illegible] فرد [illegible] مقيد [illegible] تلى [illegible] يكون [illegible]
   [illegible] كان و [illegible] ويكون [illegible].
4. أ [illegible] و [illegible] شرط من [illegible] و [illegible]
   [illegible] كان [illegible] فرد أن يتم [illegible] و [illegible].
5. أ [illegible] فرد [illegible] كان و [illegible] مستقل وشامل [illegible] فرد [illegible] تكرار أو [illegible]
   [illegible] عدد [illegible] و [illegible] على دون أن تكرر [illegible] كان [illegible]
   [illegible] يد [illegible] من [illegible] و [illegible]
   [illegible] مقيد [illegible] على من [illegible] دينية ودنيوية [illegible] عند [illegible]

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[13] د. [illegible] عند [illegible] مرجع [illegible] 215-216. ود. [illegible] ومدى [illegible] في [illegible]
دار [illegible] و [illegible] 71-72.

[14] **[illegible] السلام**: [illegible] عن [illegible] عن [illegible]
[illegible] (577) [illegible] (660) [illegible]
[illegible] من [illegible] "[illegible]". [illegible]:
[illegible] من [illegible] دار [illegible] 5 [illegible] 301.

[15] [illegible] عن [illegible] 1 [illegible] 9.

[16] **[illegible]**: [illegible] عن [illegible] (691) [illegible] و
[illegible] (751) [illegible] على [illegible]
[illegible] 6 [illegible] 168. [illegible] 6 [illegible] 280.

[17] [illegible] 3 [illegible] 3.

[illegible] علی [illegible] و [illegible]
[illegible] [العدوان [illegible]] [18] و [illegible] يكر ملها
[illegible] علی [illegible] ومله [illegible] و [illegible].[19]
وعلی [illegible] تقد [illegible]
وعدد [illegible] فرد [illegible] ترية [illegible]
[illegible] من [illegible] رين.[20]
وكل [illegible] تقرير [illegible] فرد [illegible]
[illegible] علی [illegible] ية [illegible] كذ [illegible] كا [illegible]
[illegible] مدة [illegible] يدو [illegible] عة ويت [illegible]
تقر [illegible] علی كا [illegible] وشا [illegible] فرد [illegible]
[illegible] كل [illegible] عن [illegible] أي [illegible] فردية وو [illegible] امة [illegible]
[illegible] عد [illegible] وكل [illegible] ومر [illegible] أ [illegible] اب
[illegible] كذ [illegible] ية [illegible][21] كا [illegible] علی [illegible] فرد [illegible]
من [illegible] و [illegible] من [illegible] عامة [illegible] أو [illegible]
وعلی [illegible] كذرية [illegible] يل:

- [illegible] سام [illegible]:

يق [illegible] من [illegible] أو [illegible] و
[illegible] رين [illegible]: ما [illegible] قا [illegible] و [illegible]
و [illegible] علی [illegible] كن [illegible] أ [illegible]: ما كا [illegible] قا [illegible] وما كا [illegible] فرد
وما [illegible] قا [illegible] أكثر من [illegible] و [illegible].

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[18] [illegible] 2.

[19] [illegible]: د. [illegible] مر [illegible] 74.

[20] [illegible] مدك [illegible] 421.

[21] [illegible]: د. [illegible] مر [illegible] 70.

أ) **Ęǵ !! :** وǅ كل Ęǵ ĘǀǶǉ ¢ǽ ȝǺǸǶǵ ȳǀǾǶǵ دور مرǚعاǙ أǅرǚدÛ[22] وǅ ما ǾɁǾǵ ¢ǽ
ǶǵǬǀتقرب

Ƃǀ !ǚ ƂǀǶǉ وǀǚǦǵ امة شǝǀǶǉ ديǎǀǿ[23]Û وǀǞǝǌ ƂǀǶǉ !ǚ Ƃǀ ǉǾǅ ǀǍǻǝ ش وتǀǶǉǍ¢ ǖǺǅ ǂǸǶǵ عاǗ
ǚǴǵ ȼǀ علǦ¢ وعدǉ ǀǶǆǀ¢ ǀǀتǴǵǶǵ وǾǅǚ .¢ǿǅ ǅǄǾǚ ǾǆǾǚ !ǚ Ǔ ǾǎǹǾǚ :ǺǚǦǽǤ عǦǼǵ ǚǶǳǵ ǌǴǵǚ
كاǛǼǯǼ وعقǘǾǆ ǧǼǵǼǶ كاǴدودǛ وعقǘǾǅ ǧǼǵǶǵ كاǗǼرمار من ǗǼǵǸǵǙ وǙǾǅǚ ǾǆǾǚ دǗǬǴǵǙ
ǖǼǵǓǵ مǀǔǶǵ ǗǼǵǺǵ ومǞǾǆ ǗǓǦǴǵǀǵ ǖǼǵǺǵ ومǞǾǆ ǗǼǵǹǵ وعقǘǾǆ ǀǴǵǀ كاǀمرين ǀǚ ǚǿ
كاǼǵǀǀǛ ومǞǾǆ ǗǼǵǺǵ شǘǾǆ ǗǾǓǵǀ ǗǼǵǀǵ كاǗǼǵǶǾ وǀǗǵǘǾǆ ǀǼǵǵǆǵ ǶǼǴǵǾǀ ǉǴǵǀ[24].

ب) **Ęǵ العقد:** وǅ ما تتĘǀǵǶǵ ¢ǽ مǵǼǵǶǵ ǚǼǵǶǵ ǾǆǾǵ دǀǿةǾǀ[25] Ûǀǀ متǀǾǀ ǀǀǀǵ وǀǵǀ ǀǀǵǵ ¢ǽ
ǀǵǀǵǵǙǵǀ ǗǼǵǀǵ وǀǵǀǵ ǚǵǵǵǀ ǀǵǵǀǵǵǀ كاǀرمة ماǀ ǚǵǵǵǀ وǀǀǵǵǀ ǀǵǵǵǵǀǵ وعقد ǀǵǵǵǵǙǵǀ ǀǵǵǵǵǀǵ
وǀǵǵǵǵǀǵ ǀǵǵǵǵǀǵǵ ǀǵǵǵǵǀǵǵ وǀǵǵǵǵǀǵǵ ǀǵǵǵǵǀ علǀ ǀǵǵǵǵǀ[26].

ما ǾǅǶ ǚǵǶǵ ǾǅǶ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ
ǀǵǵ وكل ما ǀǵǵǵǵǵ ǀǵǵǵǵǵ "كل ما ǀǵǵǵǵǵ :ǀǵǵǵǵǵ[27] ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ
ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ !ǚ Ƃǀ"[28].

ǀǵ ما ǀǵǵǵǵǵ من ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ
كاǀǵǵ !ǚ ǀǵǵǵǵǵ من ǀǵǵǵǵǵ وǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ وǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ روعة
وǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ وǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ
وǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ وأǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ "وǀǵǵǵǵǵ ǀǵǵǵǵǵ ǀǵǵǵǵǵ

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[22] ǀǵǵ مدكǀǵǵ مرǀǵǵ ǀǵǵ 224. ود. ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ
ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ 47.

[23] د. ǀǵǵ ǀǵǵ ǀǵǵ وأدǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ 1991 ǀǵǵ 13.

[24] د. ǀǵǵ ǀǵǵ ǀǵǵ مرǀǵǵ ǀǵǵ 47 ǀǵǵ عن: ǀǵǵ وǀǵǵ ǀǵǵ.

[25] ǀǵǵ مدكǀǵǵ مرǀǵǵ ǀǵǵ 224. ود. ǀǵǵ ǀǵǵ مرǀǵǵ ǀǵǵ 14.

[26] د. ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ مرǀǵǵ ǀǵǵ 187.

[27] **ǀǵǵ**: ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ وǀǵǵ ǀǵǵ ǀǵǵ
(626ǀ) ودǀǵǵ ǀǵǵ (684ǀ) من أǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ علǀ يد
ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ "ǀǵǵ" "ǀǵǵروǀǵǵ" "ǀǵǵ شرǀǵǵ" "وǀǵǵ ǀǵǵ
ǀǵǵ ǀǵǵ وǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ: ǀǵǵ مرǀǵǵ ǀǵǵ 188. وأǀǵǵ: ǀǵǵ مرǀǵǵ ǀǵǵ ǀǵǵ 7
ǀ 286.

[28] ǀǵǵروǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ ǀǵǵ 140.

من [illegible] و[illegible] [illegible] وما [illegible] من [illegible] [illegible] على
من [illegible] [illegible] [illegible] و[illegible] على [illegible] [illegible] من
[illegible] ودة [illegible] وأكثر [illegible] من [illegible]"[29].

ج) [illegible] [illegible]: و[illegible] ومن [illegible]
[illegible] من [illegible] شر [illegible] تدن على أ [illegible] و[illegible] من [illegible]
[illegible] من [illegible] [illegible] من [illegible] من [illegible].
ولكن [illegible] و[illegible] أكثر [illegible] من [illegible] [30].

د) [illegible] العقد [illegible]: [illegible]
! [illegible] و[illegible] من شر [illegible] على [illegible]
و[illegible] [illegible]: [[illegible]] [31] [illegible]
أ[illegible] و [illegible]: [[illegible]]
[illegible] [illegible]
[[illegible]] [32] [illegible] و[illegible] [33]
من [illegible] أو [illegible] أو [illegible] [illegible] على [illegible] [illegible]
[illegible] [illegible]: [[illegible]]
[[illegible]] [34].

- [illegible] عند [illegible] الإمام [illegible]:

و[illegible] [illegible]: [illegible] و[illegible] [illegible]
عند [illegible] عن [illegible] أعتقد [illegible] و [illegible]
من [illegible] أعتقد [illegible] على [illegible] و [illegible]
و[illegible] أدى [illegible] تدن [illegible] من [illegible].

[29] [illegible] 141.
[30] د. [illegible] [illegible] 188.
[31] [illegible] 179.
[32] [illegible] 45.
[33] د. [illegible] [illegible] 189.
[34] [illegible] 178.

[illegible] كل [illegible] أو [illegible] [35] تقد [illegible]
[illegible] عن [illegible] علا [illegible] وشتر [illegible]
[illegible] من [illegible] عن أكل ما [illegible] كا [illegible].
وعل [illegible] عدد [illegible] وعدم [illegible] أدة من [illegible] أو
[illegible] من [illegible]
[illegible].

أما [illegible] كل [illegible] للارية [illegible]
[illegible] عن [illegible] ملا [illegible]
[illegible] أر يقا [illegible] وكلا [illegible] وعقل [illegible] يد [illegible]
[illegible] يد [illegible] علا [illegible] أر يقا [illegible] أو [illegible]
كار [illegible] ما تقدر [illegible] يقت [illegible]
[illegible] أر يقتل [illegible] أر [illegible]
من أ [illegible] ما من [illegible] تقد [illegible]
[illegible] [36] [illegible] عل [illegible] [37] [illegible]
كلا [illegible] من [illegible] شرب [illegible] من [illegible] عديد [illegible]
دل علا أر ما [illegible] يل [illegible] أر يكر [illegible]
وكلا [illegible] من [illegible] من [illegible] وكر [illegible]
[illegible] علا [illegible] [38].

[illegible] أر [illegible]
[illegible] عن [illegible] كار [illegible] عديد من [illegible]
[illegible] عن [illegible] كلا [illegible]
[illegible] علا أر [illegible] عاد [illegible]
[illegible] وكا [illegible].

[35] [illegible] 315 [illegible].
[36] [illegible] 29.
[37] [illegible] 188.
[38] [illegible] 376 [illegible].

أما [illegible] كان [illegible] ترة [illegible] من [illegible] كطن
[illegible] على [illegible] ما [illegible] من [illegible]
[illegible]
[illegible] وما [39] [illegible] من [illegible] من [illegible]
[illegible] من [illegible] شرا [illegible] أمروا [illegible]
[illegible] ما [illegible] وت [illegible]. [40] [illegible] وعل [illegible]
شر [illegible] وعل [illegible] كل
[illegible] تد [illegible]
و [illegible] على [illegible] ما أو [illegible]
[illegible] على [41] [illegible] من – [illegible] روو
[illegible] على [illegible] – [illegible]
[illegible] ما [illegible] مت [illegible] على تاو
[illegible] مد [illegible].
ويكد [illegible]: "[illegible]" [42].
و [illegible]: "أ [illegible]
[illegible] ما [illegible]
[illegible] ما [illegible] وأما ما [illegible] مقا [illegible]
من [illegible] [43] [illegible] وكل [illegible] ما د [illegible] من
[illegible] على [illegible] وعدم – [illegible]

[39] [illegible] 32.

[40] [illegible] من [illegible]
عن [illegible] وأين من [illegible] ما
تقد من [illegible] وما [illegible] أما [illegible]
[illegible] أما [illegible] وأتقا [illegible]
شر [illegible] عن [illegible]
[illegible] كتاب [illegible] 104.

[41] [illegible] على [illegible] 52[illegible]49.

[42] [illegible] 141.

[43] [illegible] 377-378.

R̀Hæ ¢ÆöǓ ؟U ما Jǔź ÛFùlÎöä ȳlqä ¢Ȟr̀ و لكا JDZو Âع ! ä àźǵ Ù̀Gr̀ Ž – ȳäΣä و òΥΣä

ǧźǴ øl̀Gعا ر Ṭφ JṬ òźȩ źĿ Ɔźقا KGȞil ȳlȞöä ȳlṬÆöä من ! ä àźǵ øl̀Gعنا رين من ǹǖţä

ȜŁf من l̀Ʒمź ƷȦ ƵŁΣ ومرة äȞèä ǥ كرو ɄƷź ȳlȞöä ȳlṬÆöä ǥ كرو ما. أما JDZو Âع ! ä àźǵ

Ž ȴəlȩ źĿ ما òź r̀ Ž ¢مźƷȦ مدد ويتHu Ûمنà Ƃ من مà من دǵäźöä ȜŁȬä Ž ƵLΣو لل رǹ¢

.[44]ǥدəlÊöä øl كاź ɟä ţźφ و äÂÊlȦöä òź r̀ Žو ɄɛlŁDZä أو ɃدlÔɿȩä أو Ʉèl̄è ȳlṬφ من ȜŁȬä

- ثانيا: منذ Î ǖ òźرǥ ΣĘ Ž ÔlÌźن الأ ź r̀ Ʉ:

دźDZو ǢGè ȜŁȬä æǓ ÛȜŁȬä òźÎφ و J lÊφqä دźDZźæ Ù̀G ترت ĘΣä ǥ كرź أJ òźقä l̀ȦlèÍ

LŁƐź بøl̀R تتو ô øl̀Ȟ تتا دȩ ɣöä و ÛäHulÔţä ȜźäHدد دäźɟä ƙæ ǧlȩΥء يدźò ţ LŁDZqä J ɟ ÛĘΣä

ȻøدÔ كار l̀ȽƷ J źφlȩ ȜŁÎ ريو دźDZو من l̀ȦäÂö كار äØö ÛĘΣä øźƷʂ Ž l̀Gè J كار lư l̀ƷƐæ

Jźφقاöäو ĘΣä ƙæ äl̀Ôöä Jǔź äØT ÛȻأرزل Ù̀äاøø Ę̄ÊȦو ȜŁȬä Jǹä دà àźΣä ȴṬȦö ȻŁدÊم

ÛȜŁȬä Ž دäźɟä ōźlè ȴṬȦö ɟǓ يكن B ȻدأعźȨ ţźŁf Ž Jźφقاöä أJ øl̀Gعا Ûقاäƒ ǥlò ƎȞ

źĿ äØŁ Ž ¢lƐè و Ûدźɟä رəlè ööäǓ كل رد ōźlè دد Ȝ źƷź Û¢ƐźÆ مÊȨ ȳlṬφ ǥlȩǓ امة دÔقæ

ƙæ Jääźت Ęlǹ وdźq Ȭ öæ كل ÛرǹÆä R̀ȞGö àźǵ ¢lتقا ȴƷم R̀ȞGöä علر ؟ ǧl̀GDZäو ô رź

.[45]دäźɟä Ù̀äاøø Ž äرøl̀Ȟţä ΓlÔţä

ÛlƷŁƐṬȦو l̀Ʒع Ƶ Î Ƙöä Ž lyǓ l̀ƷəlÎφǓ و àźΣä Ęlǹ Ž تكلمة ɟ Jźφقاöä äŁƷŁź ¢Ɛlو

ɟ Gǵ Û¢ôlŁȞèä äƐرو Îمو Ȼدودǵ äźȞمو ¢äǵ äźȞم من ĘΣä Æǵlò كن ŁƐö Ȭöæ و

يتl̀DZو ÛlŁäǥ ومن l̀ȦĿ يȞ ƎΣä و Ûقاäöä Ûقا Jźφ Ž ŁƷlò R̀Ȟæ Ǝ كźZ ƷJ äèȞö ǥǵäو يردء ؟ من كل

ما äæǓ و ÛlƷŁṬȦ ɃØöä Jźφقاöä عن ȳΥ كöä ȳÂö àźΣä عن ȦŁل تكلا Jǔź ÛرǹÆä Æφlɛ l̀ƷƐź äƷDZ

ȴƷȩźǵ òlŁȞèä دȦ عLƷ ȴƷƐæ LŁƐź دäźɟä ǧlȩΥء ȴṬȦ Ʉ Ŀ ¢Ȧم ايةööä ȴφدDZو Jźφقاöä عن l̀ȦǬدƠ

علرؤ äǾl̀Ȧæو ÛJźφقاöä ȴ علل øźl̀G و تŭǖÎφ Ž l̀Ʀèlèl̀ Υمعا ĘΣä ƅŁ äØö .ȴƷΣlÔب مøl̀R تت ɟ Gǵ

ØȦم Jźφقاöä äÂÊlź Ṅيøl تا Jǵرη ǨÛGöä l̀Ʒمź ƷȦ dźlR تتäو ĿøźGو ĘΣä ǥ كرو øźÛت Jǔź Ȭöæ

.[46]ƃlΣä ȴدرÔء Ƃ ة قدöä øźÔȞöä

وتǖè lÊƐè علر ما ĘGè كر ǖ Ȼ ŧφ رTيȩ و äȩΥȞlö äقاǬźöä äŭدالGطä ƙæ ĘΣä وقاöäو ÛJźφقد أقر

كźZ Ž Jźφ دقاl̀ȦlGمت ŭ̄Υ تǹä ¢Ɛź äźȦlتǹä و ÛĘΣä ǖ Îمدید Ơ Ž Jźφقاöä òl̀Ʒź علر ƐŁ l̀ƷƐæ r̄l̀Gøqä äØŁ

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[44] د. عGد كرC ءäيدà ÛJäلT φ ǧ Ž رöä Îäرهäq ègΥÆÛä ƙو ǥÛ ǖèÊä ضرöä lèÛä r1 èäÛ2000 Î 55.

[45] د. عGد ǨȞÛäG وøäBÛ ǨȞدǹ J ǖȞÛz ȳz φقاöä Û¢ƐÆä ƙو ǥÛ دø ÆöƷäR رȞÛ ƐÆä Û1996 Î 431.

[46] Ž øيNتا رφṬأ ǖ φ ǥ كرو ĘΣä: د. عGد äTlɃ يzφ È̀ö ÛɄəlÛȞö ما Ŀä Ɛ ĘΣä Ž Jźφقاöä ä[l Î Û مرDZ Ȝ lèƐĘ Û 697 Î ƂǓ 711.

[illegible] [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible] كل [illegible] على [illegible] و[illegible] [illegible] وعل[illegible] تقد [illegible] بـ [illegible] تكرو [illegible] [illegible] [illegible] [illegible] [illegible] الر[illegible]. و[illegible] [illegible][47].

1. [illegible] [illegible] [illegible] الفر[illegible]:

يقـ[illegible] [illegible] [illegible] على تقدير [illegible] الفرد [illegible] [illegible] [illegible] و[illegible] عترة [illegible] [illegible] [illegible] عن [illegible] [illegible] [illegible] علاقة و[illegible] [illegible] الفرد [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible][48] [illegible] [illegible] – الفرد [illegible] من [illegible] الفردية – [illegible] [illegible] [illegible] عن [illegible] و[illegible] يقر [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] يرة [illegible] [illegible] مركة [illegible] [illegible] يدوة [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] و [illegible] [illegible] [illegible] [illegible] علاية [illegible] [illegible] [illegible] و[illegible] [illegible] دمة [illegible] الفرد و[illegible] [illegible] وشا[illegible] [illegible] أ[illegible] الفرد [illegible] [illegible] وكن [illegible] [illegible] الفرد[49] وعل[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] على [illegible] من [illegible] [illegible] [illegible] و[illegible] أ[illegible] الفرد [illegible] [illegible] [illegible] [illegible] [illegible] من كر[illegible] [illegible] [illegible] – وأو[illegible] [illegible] – [illegible] يكت[illegible] [illegible] [illegible] ملقة و[illegible] و[illegible] على [illegible] علاقة و[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible][50]. [illegible] [illegible] و[illegible] [illegible] علاقة و[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] من [illegible] [illegible] [illegible] و[illegible] [illegible] وتا[illegible] [illegible].

- [illegible] [illegible] الفر[illegible]:

[illegible] أو[illegible] [illegible] [illegible] على [illegible] الفرد [illegible] وتت[illegible] [illegible] [illegible] [illegible] [illegible] على [illegible] الفرد [illegible] و[illegible] [illegible] وعد[illegible] [illegible] [illegible] [illegible] [illegible] الفرد [illegible] [illegible] و [illegible] [illegible] [illegible] [illegible][51]. وعدة مرعا[illegible] [illegible] [illegible] [illegible] [illegible] امة [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

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[47] د. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 1974 [illegible] 421.

[48] [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 1980 [illegible] 11.

[49] د. عا[illegible] [illegible] [illegible] [illegible] مر[illegible] [illegible] 19.

[50] د. [illegible] [illegible] [illegible] مر[illegible] [illegible] 40.

[51] د. عا[illegible] [illegible] [illegible] [illegible] مر[illegible] [illegible] 21.

أ [illegible] أو [illegible] [illegible]امة [illegible] [illegible] [illegible] [illegible]ردية أو [illegible] أ [illegible]
أو [illegible] [illegible]امة [illegible] [illegible] تلقائية [illegible]رعاية [illegible]ردية [illegible][52].

[illegible] أ [illegible] [illegible] عامة [illegible] [illegible] يكر [illegible] [illegible]
[illegible] ما [illegible] [illegible] ما [illegible] من [illegible]رعاية [illegible] [illegible] ومر[illegible]
[illegible] و[illegible] [illegible] على [illegible] على ما [illegible] من [illegible] من
و[illegible] على و[illegible] [illegible]اب [illegible] [illegible] [illegible] [illegible] [illegible][53].

كما [illegible] [illegible] ما [illegible]كر [illegible] [illegible]رية [illegible]ردية [illegible]تقدي[illegible] وم[illegible] [illegible]
[illegible] و[illegible] [illegible] وكل [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] أ [illegible] [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] كا[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] و[illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] وز [illegible] عن [illegible] [illegible] [illegible]تدع[illegible] [illegible]
و[illegible] [illegible] [illegible] و[illegible] ما [illegible] [illegible]روو[illegible] أ يكر [illegible] [illegible] كا[illegible]
[illegible] [illegible] [illegible] [illegible] مر[illegible] شؤو[illegible] وم[illegible] [illegible] [illegible] [illegible] و[illegible] ما
[illegible]رية [illegible]ردية عن [illegible] و[illegible]ديد مد[illegible][54] و[illegible] [illegible] [illegible] من [illegible] [illegible]
[illegible] على [illegible]كرو [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible].

2. [illegible] [illegible] [illegible] [illegible] [illegible]:

و[illegible] [illegible] [illegible] على [illegible] ما [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] على
[illegible] تقدي[illegible] [illegible] و[illegible] [illegible] على [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] من [illegible][55] [illegible] [illegible] [illegible] [illegible] كا[illegible] [illegible] مر[illegible] [illegible] من
[illegible] [illegible] وم[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] كرد [illegible] [illegible]تقل عن [illegible] [illegible] [illegible] [illegible] من [illegible] [illegible][56]. وعل[illegible]

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[52] د. [illegible] [illegible] [illegible] [illegible] ص 37.
[53] د. [illegible] [illegible] [illegible] [illegible] ص 21. وأ[illegible]: د. [illegible] [illegible] [illegible] [illegible] ص 276.
[54] د. [illegible] [illegible] [illegible] [illegible] ص 43.
[55] د. [illegible] [illegible] [illegible] [illegible] ص 11.
[56] د. [illegible] [illegible] [illegible] [illegible] ص 22-23.

[illegible] ثقافية [illegible] وعلى [illegible] رعاية و[illegible] فرعاية [illegible] ثقافية [illegible] أو [illegible]

[illegible] من [illegible] يقوم على [illegible] من [illegible] ثقافية [illegible] من

[illegible] من [illegible] فرد كان [illegible] من [illegible] من

[illegible] على [illegible] و[illegible] [57] [illegible]

[illegible] عند [illegible] أفراد [illegible] ما [illegible] أفراد [illegible]

[illegible] وكل [illegible] من [illegible] و[illegible] فرد [illegible] متقل عن [illegible] و[illegible]

على [illegible] كان [illegible].

و[illegible] على [illegible] - [illegible] – تقوم على [illegible] أن

[illegible] كان [illegible] و[illegible] يمكن أن [illegible] يمكن [illegible]

[illegible] وأن [illegible] من [illegible] أفراد [illegible] و[illegible]

وعلى [illegible] أو [illegible] ثقافية و[illegible] فرد [illegible] خدمة

[58] [illegible] و[illegible] فرد [illegible] على

[illegible] و[illegible] عاتق

[59] [illegible] أو مكانة [illegible] و[illegible] يتر [illegible]

[illegible] من ثقافية [illegible] و[illegible] دون [illegible] أفراد [illegible]

[illegible] تركة [illegible] و[illegible].

- نقد [illegible]:

[illegible] كان [illegible] يفكر [illegible] عن [illegible] و[illegible]

[illegible] تقدي [illegible] و[illegible] فرد [illegible] تلك [illegible] عن

[illegible] من [illegible] و[illegible] ولكن [illegible] تقد [illegible]

- [illegible] - [illegible] على [illegible] و[illegible] و[illegible] تقت [illegible]

[60] [illegible] خدمة [illegible] تكوين [illegible] فرد [illegible]

[illegible] من [illegible] على [illegible] و[illegible] فرد و[illegible] يد[illegible]

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[57] د. [illegible] 36 [illegible].

[58] د. [illegible] 276 [illegible].

[59] د. [illegible] 45 [illegible].

[60] د. [illegible] 277 [illegible].

[illegible] يدل [illegible] ما [illegible] أن يتن[illegible] من [illegible]رية [illegible]

[illegible] تت[illegible] من [illegible][61] [illegible] ل[illegible] عند [illegible] أن [illegible]رية [illegible]من [illegible] وأن [illegible]

[illegible] رد [illegible] [illegible]رية [illegible] [illegible] [illegible]

[illegible] من - عد[illegible] [illegible]ك[illegible] تقدي[illegible] - [illegible]رد [illegible]

[illegible] وأن [illegible] [illegible]رد [illegible].

كما [illegible] على [illegible] يق[illegible] و[illegible] تت[illegible] وأ[illegible]

و[illegible]ر[illegible] أن [illegible] من أم[illegible] [illegible]

و[illegible]رية [illegible] على [illegible] التقريرية[62] [illegible] أمرين [illegible] ولاية [illegible]

و[illegible] أن [illegible] [illegible]ر[illegible] دية [illegible] تت[illegible] ولاية [illegible] وتمكن أن [illegible] عند

[illegible]اية [illegible] دون [illegible] تق[illegible] [illegible] ولاية [illegible]مة. وعل[illegible] يعد على [illegible]

تق[illegible] [illegible] تقريرياً يكتمل [illegible] [illegible]روح من دة[illegible] [illegible] مت[illegible]

[illegible] [illegible][63].

3. الن[illegible]:

من كل ما [illegible]كر ين[illegible] و[illegible] [illegible]رد[illegible]

و[illegible] عن تباين [illegible] ودو[illegible] [illegible]

وعل[illegible] تمكن [illegible] أن [illegible] [illegible] أن [illegible] كام[illegible] يتت[illegible]ر ويت[illegible]

[illegible] أ[illegible] كل [illegible] على [illegible][64] وما كان [illegible]

[illegible] وعل[illegible] [illegible] وما [illegible]

[illegible] ومكان. ولكن و[illegible] كل [illegible] [illegible]

[illegible] من [illegible] أي[illegible] [illegible]

[illegible] ولكن [illegible] [illegible]

[illegible] أن [illegible] وما

[illegible] و [illegible]رد[illegible] [illegible] و[illegible]

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[61] د. [illegible] .25

[62] د. [illegible] .51 . ود. [illegible] .277

[63] د. [illegible] 1960 [illegible] 162 وما [illegible].

[64] د. [illegible] - [illegible] - دة [illegible] مقا[illegible] - [illegible] 1984 [illegible] .56

[illegible] و[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] علي [illegible] [illegible] [illegible] [illegible] [illegible] تكرر [illegible] [illegible] [illegible] علي [illegible] [illegible] عام [illegible] تكرين مدونة [illegible] ما [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] - [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] - تكرار [illegible] [illegible] كاملة [illegible] [illegible] أو مدونة [illegible][65] ولكن [illegible] [illegible] [illegible] [illegible] [illegible].[66]

[illegible]

[illegible]

[illegible] أن [illegible] [illegible] تكرر [illegible] [illegible] من [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

- [illegible] : [illegible] :

[illegible] كلمة [illegible] [illegible] [illegible] علي عدو [illegible] : [illegible] و[illegible] و[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].[67]

و[illegible] [illegible] [illegible] : مادي ([illegible]) : [illegible] يقال [illegible] [illegible] ! [illegible] أمر [illegible] [illegible] وأو[illegible].[68]

و[illegible] [illegible] [illegible] : أن [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] [illegible].[69] و[illegible] [illegible].

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65 و[illegible] [illegible] [illegible] [illegible] [illegible] كار من [illegible] [illegible] [illegible] 1948 [illegible] [illegible] [illegible] أو مدونة [illegible] [illegible] [illegible] [illegible] 46.

66 [illegible] : [illegible] ما [illegible] [illegible] [illegible] [illegible] يتمكن أن [illegible] [illegible] من [illegible] ومن [illegible] [illegible] من [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible] للكتاب 1985 ص 17. وأيضا [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

67 [illegible] [illegible] [illegible] 1988 ص 680 وما بعدها.

68 [illegible] [illegible] [illegible] 1989 ص 203.

69 [illegible] [illegible] [illegible] 1998 ص 874.

ƇكرƟƢ ɝǾقرƟƢ Ž ĘΣƫ ȘǺƠ ŏǃDZ دęو .[70]ǨǦǫ و ǢDZǄ ƫǽǾ ŏƟ Ȋ Ɵƫ Ęǥ ǿدÔم ȥƚ و ɅƠǃǦƢ 8ƳǹƠ
:ǃǷǺم ƆǃǶƫ ƪ ǾǾ ǆ ŏ

[72]ƂرȊ ƯÂƟƢ ȳǃمqƫ ȯǃę [71][ǘنƀƸƣ ǾȨǾ ȴǃǾǿƢ ǾǿǾ ƸاƫǾǿ ȯȥǾ ǃǷيǴ Ęǥ ȴǃǾǿƢ ȯǃę] :ƂǃǶ ȓ ǿ ǾȥĘ
ǢDZǄ و يرƟƢ ȯǃę ǀǶȘ" :[74]ƂƎǛƟƢ ȳǃمqƫ ȯǃę Ǜ[73]"ǨǦǫ و ƪ ǃȒ مقت ǿǾعل ǢDZǄ و ƂǺ" :ǃƚƘǆǺت Ž
.[75]"ȳدǛ ƚƫ ɝروƳ يƫ ȥƫ كاين ǾƟƢ ƘǗǃǾȊ Ɵƫ ǃƚ و ǿǾ ǾȚƟƢ ! ƫ ǢȒǾ ǃǷǾعل

Ž [77]ƑǗ قرƟƢ ȯǃę [76][ȊǾنƀǾ ƚ ǃǷȥ ǃǾهرǾǻǾ ƸǃǴ ȯȥǾǃǃ Ęǥ ǾǃǾ] :ǃȒيأ ǿǾǃƚƃǾ ȯǃę و
تƘǆǺ :"ƂǺ أوǢDZǄ ƫǾǶƟƢ ب عاƸ أكǿǾرǃƚ"[78]Ǜ ƂǺ و ǢDZǄ ǃكΣƫ ƫǾǶǾǿǾ ب عاƸ أكǿǾر أƚل مكة
.[79]ǿǾعل رǾǿ أو ǾǾكǺر ƸعاǦ ǥ ما من ǃƚ و

ȳǃمqƫ ǿǾǾǿǾ ǢƚǾ ǃƚ ǃƚǃǶم و [80][ƫǃǾال ǾǾǾƪ ǿǾيلǴ Ęǥ ǾǾمǃǾ] :ǃȒيأ ɅDZ و Ǻع ȯǃę و

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[70] ƟƢǺǿǾǃمƟƢ ƪ ǿǾǃǿƪ ǾǃǾ Ž ǃǾǿ ƢǃǾǾ ƟƢȊر ƢǺǿ ƠǾǃǾǺǿǾǃǾ ƪ ǾǃǾǃǾمةƟƢ 1ǰ Ǜ 197 ȉ.

[71] ǽǾǾǆ ǾǾǾقƟƢ .63يةǿǾƫ

[72] ƯÂƜ ري: ƚȥ ƫǾȥ ǃƚǃƫ ǿǾǃƚ ... ƂرȊƯÂƟƢ ȳǃمqƫ ... (ƚ467) ... ƯÂƊرȊ (ƚ538) ... "الكتاب": ... 168 ȉ 5ǰ ... 151 ȉ 20ǰ 1984 1ƫ ...

[73] ƂرȊƯÂƟƢ ... 187 ȉ 3ǰ ...

[74] ƂƎǛƜ ي: ... (ƚ224) ... (ƚ310) ... 191 ȉ 4ǰ ... 318 ȉ 1ǰ 1983 1ƫ ...

[75] ƂƎǛƟƢ ƘǆǺت ƂƎǛƟƢ ... 1994 1ƫ ...
6ǰ 40 ȉ.

[76] ǽǾǾǆ ȳ ƘǺ .7يةǿǾƫ

[77] ƑǗ رƜ: ... (ƚ671) ... 335 ȉ 4ǰ ... 479 ȉ 2ǰ.

[78] ƑǗ قرƟƢ ... 15ǰ 7 ȉ.

[79] د. ... 1991 1ƫ 22ǰ 294 ȉ.

[80] ǽǾǾǆ مرƟƢ .19يةǿǾƫ

ȻƎÛöä وأƫǌƫن ǨǤǅǛ عǊǧǀ كلمةƫ ǾǻǾǽöä Ž بǕǓǗ ǕǠǢǞ علǗ ǾǿǾ يا ǓƫǛ يكǤǠرǨǽ.[81]

- ثانيا: ƎƩƖ Ž ƖǫƩǕǨǥƩ :ǑǐǓǽǨǐö

ǥǨǲكǽöä ǗǵǵǨǠǨǕǠǔǽ من ǗǲǤرǓǬǥ ǨǐƎǳǽö ǳدد ǓǛ يرǢǠǭǪǵ ǲǤǭǪǫ Ɓ ǲǖǭǓ ǑǐǲǓǲǽǔöä ǲǛ ǨǲكǪöä ƷƬƫ

ǗكǛǛ ǨǧǛǕ Ƀǧǽ ǛǲǰǨ شرǐǲ ǲǪǲǦǕǔ ǨǧǛǕ ǫƬ ما عل؟ ǢǫǛǕǙǨǫ ǛƁǫǭǓöä ǢǛǨǳ ǾöǾǽ ǨǤǠمكتǵ ƖƩǕ ǤǠǓö

ƃǛ ƺǨƺ Ǩ ǛǩǤǳǽكا ǾǪǟ ǳǤǧǓǦǵ ǲǠƨرǨǳǨ ǾǦöǐǽǟ ǫǲǤǨǳ Ǜ[82]ǿيǲǦ ǾöǾǼ ǠǦǾǨ ǾǦöä ǛǳǟǩǤǫǪ ǛǰǤرǭǓ ǥǬǓöä

ǥǨǲكǽ ƆǓǨǕǳ عل؟ ǾǵǤǫǛǗǨǪ ǲǤǭǪǫ كاǲǵ ǗƎǕǓǬ ǳǤǲǕǓǽ ǲǤǭǩǤǫ ǾǦöǐǽǽǟ ǲǤǭǪǫ Ɓ ǛǓ وǛǓ ǗƎǪǬ ǨǤǬ.[83] ǫǤǲǤǭǠ

ǛǫǛǨǓǪ يǗƬدǤǫǪǪ ǛǟǫƩǕǔǽ من ƖǴ ǨكǛǪ ǨƳǬǤǪ شام ǲǪعاما ǲǵǨǦǠǤǲǕǳǽ ƖƩǕǽ كلمةƫ ǛǫǛǨǦǠǤǲǕǪ يǽǥǾǨ تاǪǨǢ ǛǕǥǛǬǤǫǰ

عن ǲǑǭǤǤǬ أو مǛǨǪ ǕǛǥǪǓǨǟǤ ǫǛǨǓ ǥǬǓöä ǕǦǨǲ ؟Ǭǳǲ ǕǓǬǛǪǛ ǛǫǬ تكǫ ǛǲǳǬǓǕ أو مǤǫ ǨǤ كل ǤǠ عل؟ ƖƩǕ

ǛǐǛǩ ǨǲǭǠǨǤǲǕǳǽ ƖƩǕǽ كلمةƫ ǛǫǛǲǦǠǤǲǕǪ يǦǾǨ وتاǦǲǛ. عǑǲǤǬ ǰǔǛǐǠǳǽ أو ǛǲƖǤǽǫǽ ǬǭǤǠ Ž ǛǓ ǛǓǾǽ أو ǢǨǲ

ƖǵǤكǨ ǛǓ ǥǾǛǬǓöä بǤǨاǪǨ ǾǛǥǬǐعاǔǽ ǨǩǨ ǛǓ ǳǫǨǳ و ǨǛǪǓ عǤǦرǬǓöä ǤǾǐǛǥǥعية ǤǲǛǳǛǓǤǽǫ عل؟ ǛǟǨǓǛǓǪ ويقرو

ǛǳǛدǬǓöä ƷƖǦǛǓǬǕ ǬǛǓǬǓöä ƖǦ ǬǤƳǓǤǽöä ƖǦو ǤǲǨدين ǲǙǾǦǛǤǽ ǬǦǬƎدǳǽ ƖǦو ǛƺƖǦǥǓöä Ž ǾǛƖǪǽ ƖǦ ǬǦǓǤǲǠǬǓöä

وƖǦ ǫǨǫǓǤǓöä يةǛǨشاǛ وما ǢǨǽ ǾöǾǼ من ǕǧǨǤǽ ǾǛǪǧǥǨعية.[84]

كǛǛ أǤǲǙǨǤǛǢ عل؟ مرǫǧǽ ǫǤǓǬǓǪ ƖǵǤكǨ ǬǾǤǤرب ǐǥǽǳǛǤǽǥǛ ǛǤ ǛǓǓǤ من ǢǤǳ ǛǪǛǢǤǪǛǬǓǽ.[85]

ويǛǲǫǛǳǛǓǪ ƖƩǕǽ أيǳǬǾǛǬ Ž ǛǥǦǬǤ ǥǨǳǨأ ǳǤǬ؟ عل؟ ما يǤǬǓǛǲǛǓǬ عن ǫǤǓǭǓǽǫ من ǛǤǓǬǓǤǲǤǬǓǛ ǛǥǛǳǓǤǽ ǨǤǬ ǳǥǤǤǛǤǤǽ

ȻǾǾǽ يǫǓǥ ƎǫǓǛǕ ǗكǛǥ ǛǫǤدǕǓǽ ǫǤدǓǬǓǽ ƺǾǦǓǽ ǛǠǓǛǕ ǫǤǛ ملكǽǾǟǥ ǬǦǕǥǛǓ وǤǫǬǦǥǤ ǗǤǾǛǥǛǤǠǥǛǫ وƺǾǦǥǛǤǽ ƺǨǤد ǫǛǓǤǛǥǽ.[86]

وعǗǨǽ ǛǗǓǦǫ من ǬǳǛǕ ǛǽǬǫ ǾǐǬ ǥǨǳǨǲǨǕǛǦǥǤǽ ǥǤǲǓǤǤǽ ƖƩǕǽ ǛǦǛǥ تدوǾ ǤǥǦǫ ǬǲǛǤǽ ǛǐǫǭǓöä ǛǕǤǤǓلكلكة ǛǽǤǥǦǽ

ǤǦǾ ǥǳǫǤǓǛǥǳöä ǰǛǓǛ ما أǲǓǥǤǫǦǥ ǛǥǓǤǛ ǥǬǓöä ǗǛǛ شرǛǫǓǤ.

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[81] تǥǓǛ ȻƎÛöä ǤǛ6ƺ ǤǛ 377.

[82] د. عǤǫǓǤ ǛǤǓǽǫǤǓǛǤ ǫǛǨǤǛǕ مرǤǫǭƎ ǤǛǕǓǬǽ ǤǤ 296. وǤǦǤǓǤǽ ǤǛǤǽ : ǓƫǛ مدكǛǾǤǽ ǤǛǤǫ مرǤǫǭƎ ǤǛǕǓǬǽ ǤǤ 420.

[83] عǤǫǛ ǛǥǓǤǕǫǤǛ ƖƩǕǽ وǤǲǓǤǫǤǓǤǳǽ ǥǤǓǓǳǛǕǓǬǽ مكتǤǫǤǓǛǽ وǤǫǤǓǤǽ ǤǛ1945 ǤǛ 36.

[84] د. عǤǫǓǤ ǤǛǓǤǪǛǳǓǤǽ ǤǛǢǕǛǫǪǓǤǽ ǤǛǤǳǥǫǤǓǤǤ Ž ǤǛǥǤǦǤǛǓǤǽ ǥǤǓǫǤǨǤǓǤǤǽ ǤǛ6ǛǤǫǤǓǤǤǽ ǤǛǓ1989ǤƃǤǓǤǳ ǤǛǬǓǤǲǤǽ ǤǛǓǤǦǥǫǤǽ ǤǛǤǓǤǛǤǦǤǛǓǤǽ ǤǛǓǤǳǤǓǤǤǽ ǤǛ 170.

[85] عǤǫǛ ǛǥǓǤǕǫǤǛ ǤǛǓǤǕǤǓǤǽ Ž ǤǤǓǤǫǤǓǤǽ ǤǤǓǤǫǤǓǤǽ مǤǫ مقاǤǫǓǤǽ ǤǛǓǤǳǤǓǤǽ ǤǛǓǤǲǤǓǤǽ ǤǛǓǤǫǤǓǤǽ ǤǛǓǤǫǤǓǤǽ ǤǛ1990 ǤǛ 9.

[86] د. ǤǛǓǤǫǤǓǤǽ مرǤǫǭƎ ǤǛǕǓǬǽ ǤǛ1ƺ ǤǛ 9.

- [illegible]:

[illegible] أو [illegible] علي [illegible] من [illegible] عن [illegible].

أما [illegible] أمر [illegible] و[88] [illegible] علي [illegible].[89] وعد علي [illegible][90] [illegible] علي [illegible] أن [illegible] أو [illegible] أمر [illegible] ومد [illegible].[91]

- [illegible]:

[illegible] من [illegible] علي [illegible] أو [illegible]:

- أن [illegible].[92]

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87 [illegible] 1990 [illegible] 100.

88 [illegible] 140.

89 د. [illegible] 187.

90 [illegible] (643هـ) [illegible] (723هـ) من [illegible] 217. وأ [illegible] 298.

91 [illegible] علي [illegible] 142.

92 [illegible] علي [illegible] أن [illegible] أو [illegible] من أن [illegible] أو [illegible] أن

- [illegible] [illegible] [illegible] أو [illegible] أو [illegible] يقرأ [illegible] [illegible] [illegible].[93]

- [illegible] [illegible] [illegible] [illegible] [illegible].[94]

و[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].[95] [illegible] [illegible] [illegible] [illegible] [illegible].[96]

و[illegible] [illegible] [illegible] من [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] أو [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].[97]

وعر[illegible] [illegible]: [illegible] ما [illegible] [illegible] [illegible] من [illegible] [illegible] [illegible] من [illegible] [illegible] [illegible].[98] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

وعر[illegible] [illegible]: [illegible] [illegible] يقرأ [illegible] [illegible] أو [illegible].[99]

و[illegible] [illegible] [illegible]: [illegible] [illegible] يقر [illegible] [illegible] على [illegible] أو [illegible] [illegible] من [illegible] [illegible] [illegible].[100]

و[illegible] على [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] من [illegible] ما [illegible] من [illegible] [illegible] [illegible] [illegible] [illegible] شر[illegible][101] [illegible] [illegible]:

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ص 37.

93 [illegible] د. [illegible] [illegible] د. [illegible] [illegible] [illegible] ص 188.

94 [illegible] د. [illegible] [illegible] [illegible] [illegible] ص 5.

95 د. [illegible] [illegible] [illegible] [illegible] ص 188.

96 د. [illegible] [illegible] [illegible] [illegible] ص 9.

97 [illegible] [illegible] [illegible] [illegible] ص 14.

98 د. [illegible] [illegible] [illegible] [illegible] ص 191.

99 [illegible] [illegible] [illegible] [illegible] ص 10.

100 [illegible] [illegible] [illegible] ص 10.

101 [illegible] [illegible]: د. [illegible] [illegible] [illegible] [illegible] ص 193 وما بعدها. د. [illegible] [illegible] [illegible] ص 10 وما بعدها. د. [illegible] [illegible] [illegible] [illegible] ص 9.

- ţǕ ȑǕţ ĘΣ ʹĿ ȻɗȦǕɗ ĘΣ Ǣǵlȍ øǉÄȅ Ƀĺ Ûøǉ Äȅɟ ɗȦɟ ƗȞ : î lÔȉǹ ةكلهٗ
ĘHJ كاǏɬǵ lÔǺ أو شÛ ! ȧǕǵ ɄŁ ȻØŁ و! ǕŁ ĘΣ ţǕ ȑǕƞ ȓȇȈ Êţ كاɹ ǒǕȅ Ûȼ
من lŁKɋ وÛğlكارÎ وolţ Ǩ وكالدوة lǽǕǍ أو Ûȼ Ȍ ȝ Ʒţ نرɋ Ž Ʒǝl
ȧǕǵ ǯرơ ƃl وÛ î lÔȉǹɟ ɗǕǄǕ ɟ ĘΣ ɡكرȦ ɗǕǄ وƳǕ ةɇøȴɟ ğlÊȅűţ
Ûøǉ Äȅɟ ɟ ȳlȞ ţlȦɟ ɈȅɁ علʔ وعاɵ lǵlǵ ɹ ما كا Ƀĺ Ûɗǵ Ȍơ ɟ Ɣ !
.Ȍǹ رȔ ʔȶÊ ȻØŁ وɗÔ ĘHJ

- وتقɗ î lÔȉǹɟ أو øǉÄȅɟ ƞl يقرȻø Îţ ǯرƩ من ZرȞ ما ȓȇȈȅ ȼ دور ɹ و ȼǄ
lƵøǉÄȅ ɹ Ûȧ øl Êو Ǣȍl8 كاÛȼǕ lɑǵ ȼǵlÔ ȕÎ ɟ øǉÄȅɟ ØŁ ɹ ţروÎ ه
Ȍǹ ɃØ بǕÔ8ţ ǒɄÎ وǢȍl8 ƙ ةęƳȞ ɹ ɉ Ûţ رÎ Ȼø يقر ɟ بǕÔ8ţ ǒɄÎ
.روعةÎţ ةȦȍ ǢÊ تكتɟ ȼ

- وكلةٗ ةÛlȅ وƔ lȢȅ î lÔȉǹɟ ţروÎţ ÛĘΣ Ǣǵ lÔ عد تكرɹ ةÛlȅ علʔ شǒɄ
علʔ ةɟǕ ĘHJ ȌǺ أو علʔ شÛ ȧlȦøq وةكلţ ĘHJ ƗȞ ĘΣ 8رȞ ما ǕŁ و
.ةɸlȒΣ وȄȦ

- وȕتكلةٗ ZɃØ Ž يقاȼ ZرȞ ɔǉ ةÛlȅ ǒlȒ أدا من ǒÛرȕǹ وɄŁ ةÛlȅ ȌǺÎ
ÛدينȔ ǒlǕ ɗǑȞţ ţدين ȌǺ وشدȔ ƙ ةęƳȞكا رǹ من ǒأدا ǒlȒ علʔ ةǴÔه
عن ţlȦɟ أو ÛɈƀȞ ȳlɬ ɗǑȞţ ƘǄɉ وȓǄȉȅÊţ ƙ ةęƳȞكا أو Ûɬl ماعدɡ ɗǑ ȻØǑ
أدا ةęƳȞ ţǕ ȑǕƀǕ ɹǕŁ ţر ǒɄÎ ţlȦɟ ȳ عدŽ ƞŐţ وȕرɟ ƙ ةęƳȞكا وعɬ
ţǕɸĺ ȝɬƨ ɝƳ شامZ ɟ رȞ Ȏø ɹǕكɬ .ɄÔǺÎ ĘΣ 8رȞ ما ØŁ وƙȞ ȳÂ
.ȧǕΣ

- وȕǕ ǒǕ 8رȞţ Ƿ Ⱥ ةHɭÔţ ةǴȞه ȼɸǕ ɬ وكا ǒlę ȼǵlȍ ĘɭȞ متȴ :ø يقر ȼ ţرÎ Û[102] Ƀĺ
أ ɹ رȇøʰ ţرÎ ȦÔ ɟ î lÔȉǹو øǉÄȅɟ ةȦÔ î lÔȉǹ ɃØ ʔȦȑĺ علɬ ȼ ȍȦ روعةţ ÛɔɗlƔ كا ɹ
lȴɉ . ţرÎ ɗlŁ ÔęƔ ةHɭÔţ Ʉǹǒ ĘΣ Ǣǵlȍ ʔlȞ. ةǴȞه ةHɭÔه ĘɬƠ ɗÔ
وةɬȅ ĘΣ ȌǺÎ Øơ ȼǝ وعɬ. ةÛlȅ من ȼɸȦlÊ وما يرعɄ Î î lÔȉǹɟ Ȏø Ǣȅ
ɃøǒȍكلÎ ةƊ Ęǵ ȼolɬȞȅكا K8ol øرȑɌ أو شرɬ مقدǕÔ Kɋ ةHɭÔه ĘɬȞ
Ʒه Ûølكتǵɟ كامة lȞ ةHɭÔţ وŻl تتاة ȍlǹ ةHɭÔه ĘɬƠ ʔ8 أو ÛɡlكاȦ من روبƘl

[102] رȚɸ: د. ɄHɬǕ مرȳɗøƗÛ ǄƷ ÛĘlȅ î 195.

ô ǫوه دÔäţ ةلÈè وǴǴòĺ ȼǫƸكǿ Û î lÔïǹғå åØŁ عن ةȾروعاȊţå äÀò ǨɞÂǫو ĘΣå åØŁ
ǨǫهاȊروţ .

وÈÀȺä ÉĦţå åØŁ ĘĦUlÕ وǫǯâÂȺư ȼäÂǂ عرȣ .د ɑǴǴ ةǿكرƇ äيدåɹ ɹقلƸȺ: "ŁƸ ما كان ɹ ǿÔlǵȼǴ
إåǹïÔl î اÊȊŨŏ علƐ وǷȾȼ ĊǫàÀرåȽ Ǘكلȴ إāȊرţ ǷلǹŞاية وȠ ǫäĦUĘ ȼȻ مÔĦUlä عامة أو ǹlòä
ماديـة أو مǫĂǿƸة "103.

- ما السǫǫȷǫ هǉ ŒØȻ الȾĖȾ اǽǷȾǽ:

ǁȠǫلÊȺ Бǚ ما وǷȾ من ǫقد Бǚ Ȏǫلȷǫ ǽȦǿƸ ǫلÊȾلقǨ Ȏǚ ǫǫلȷǫ ǽȦǿƸلǿȾǽ ǿǵاǫǫقȾ Ëلǿ ȷǫ ةǫǫ ɹȾǽ
ǫȣŐǫǫǫǫǫǿ ȷǫ ǫǫǫ ǫǫǫǫǫǫǫ ǫǫǫ ǫǫǫ: ǫǫǫ ǫǫǫǫǫǫǫ ǫǫǫǫ ǫǫǫǫǫ ǫǫǫ ǫǫǫǫ ǫǫ علƐ
ȣǫǫةاية مȺȼ وȾŁ ƠقȾĘ ţǫÔĦUla ǽÛĦUlÔţǫ lǫياȼÛ وåΣĘ èȾلa Ǘǖȿl.

- ǫǫǫǫ ǫǫǫǫǫǫ ǫǫǫǫ ǫǫǫǫǫǫ ǫǫǫǫǫ !å ǫǫǫ وȾǷÛ كروȀǫ ȼǫ علƐ عǫǫǫǫ ǫǫǫǫǫ ǫǫǫ
ǫǫǫ ǫǫǫǫ كȾǫ يقد ǫǫǫǫǫǫǫǫǫǫ ǫǫǫǫǫǫǫǫ ǫǫǫ ! ǫǫǫ كȾǫ ǫǫǫǫǫǫ وǫǫǫǫ ǫǫǫǫǫǫ ǫǫǫǫǫǫǫ Ž
ǫǫǫǫǫ ǫǫǫǫǫǫǫǫ ǫǫǫ Ž ǫǫǫǫǫǫǫ من كǫǫ ǫǫǫ ǫǫǫǫǫǫǫ يقرǫ ǫǫǫǫ ǫǫǫǫǫ علƐ ǫǫǫ شǫǫ أو
علƐ ǫǫǫǫǫ ǫǫǫ من شǫǫǫ ǫǫǫǫ كȾǫ و ǫǫǫǫ Ž ǫǫǫǫ ǫǫǫǫǫǫǫ الديǫǫǫ.

- أǫ ǫǫǫǫǫǫǫ ǫǫǫǫǫǫ Ž ǫǫǫǫǫ ǫǫǫǫ ǫǫǫǫǫ وǫǫǫ ǫǫǫǫǫǫǫ ǫǫǫǫ ǫǫǫǫǫǫ مǫروعةǫ
ǫǫ علة ǫǫǫǫǫ ǫǫǫǫǫǫ ǫǫǫǫǫǫǫǫ ǫǫǫǫǫǫǫ ما ǫǫǫ ǫǫǫǫ ǫǫǫ اǫǫǫǫǫǫ ǫǫǫǫǫǫǫ ǫǫǫǫ
ǫǫǫ ǫǫǫ ǫǫǫǫǫǫǫ ǫǫǫǫǫǫǫ ǫǫǫǫǫǫǫ ǫǫǫǫǫ ǫǫǫǫ وǫǫǫ ǫǫǫ ǫǫǫǫǫ Ž ǫǫǫ Ž ǫǫǫǫǫ
ǫǫǫǫǫǫ مقǫǫ ǫǫǫǫǫǫǫǫǫ ǫǫǫ شرǫ وǫǫ ǫǫǫǫǫ ǫǫǫǫǫ ǫǫǫ ǫǫ ǫǫǫǫǫǫ Ž ǫǫǫǫǫǫǫ.

وكل ǫǫǫ ǫǫǫǫǫǫ Ž ǫǫǫ ǫǫǫǫǫ ǫǫǫǫǫ وأǫǫ مǫǫǫ Ž ǫǫǫ Ž ǫǫǫǫǫǫ ǫǫǫǫǫ وǫǫ ǫǫǫǫǫ
ǫǫǫǫǫǫ ǫ ǫǫǫǫ ǫǫǫǫǫǫǫ وǫǫǫǫ ǫǫǫǫǫ ǫǫǫǫǫǫ ǫǫ ǫǫ ǫǫǫ ǫǫǫǫǫ ǫǫǫǫǫ ومقاǫǫ ǫǫǫǫǫǫ
ǫǫǫ أǫ يرǫǫ ǫǫǫǫǫǫ عǫǫ ǫǫǫǫǫǫǫǫǫǫ.

- ǫǫǫǫǫ : ǫǫǫǫ Ž ǫǫǫǫǫǫ ǫǫǫǫǫǫ ǫǫǫǫǫǫ:

ǫǫ كان ǫ أǫǫǫ ǫǫǫǫ ǫǫǫǫǫǫ وǫǫǫǫ ǫǫǫǫ ǫǫǫǫǫ ǫǫǫ ǫǫǫǫǫǫǫ كǫǫǫ ǫǫǫǫ من ǫǫǫǫǫǫ
ǫǫǫǫǫǫǫǫ ومن ǫǫǫǫǫ ǫǫǫǫǫǫ ǫǫǫǫǫǫǫǫ ǫǫ أǫ ǫǫǫǫǫ ǫ يǫقد ǫǫǫǫ علƐ وǫǫ ǫǫǫǫǫǫ
ǫǫǫǫ[104]. وǫǫǫ مرǫǫ ǫǫǫǫ ǫǫǫ ǫǫǫǫǫǫǫ ǫǫǫǫǫǫǫ ǫǫǫǫǫ ǫǫǫǫ علƐ ǫǫǫǫǫ ǫرديǫ ǫ

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103 د. عǫǫ ǫǫǫكرǫ ǫيدǫǫ ǫ مرǫǫ ǫǫǫǫǫ ǫ 298.

104 د. عǫǫ ǫǫǫǫ ǫǫǫǫǫǫǫمرǫǫ ǫǫǫǫǫ ǫ 439.

[illegible] كما أن [illegible] عقل [illegible] يتأثر [illegible][105] [illegible] فقد [illegible]

[illegible] كل [illegible] وقوية [illegible] يار مـ[illegible] أبرة [illegible] متلاردو

[illegible] و[illegible] المتقلد[illegible] [illegible] دية.

1. [illegible] الليدانة:

[illegible] [illegible] عا[illegible]

[illegible] و[illegible] كتفة [illegible] تشترك علا [illegible] من [illegible][106] [illegible] من [illegible] در

من [illegible] وما يار [illegible] يقان[illegible] [illegible]

[illegible] من [illegible] وقوية مـ[illegible] وآلاية مـ[illegible] شـ[illegible] [illegible] و[illegible] [illegible]

[illegible] وما يار [illegible].

أ) **[illegible]** [107]: [illegible] من تركا [illegible] علا [illegible] يرا [illegible] باب [illegible]

[illegible] أن [illegible] مـ[illegible] ماشـ[illegible] [illegible] يار [illegible] تلا [illegible]

أو [illegible] دية [illegible] من [illegible] شـ[illegible] [illegible][108].

[illegible] عاد [illegible] باب [illegible] [illegible] تلا [illegible]

[illegible] متلا[illegible] [illegible][109].

[illegible] أن [illegible] و[illegible] مستفادة [illegible] أن [illegible] شكا [illegible]

[illegible] من أن يا[illegible] و[illegible] باب [illegible] تعلا [illegible]

دية و[illegible] أ يكتر [illegible] كلا [illegible] كل مـ[illegible] أبرد

[illegible] تلا و[illegible] ومـ[illegible] يتار [illegible] ويقرار.[110]

ولكن [illegible] باب [illegible] فرد علا [illegible] المتقد [illegible] يار [illegible]

علا[illegible] كلا [illegible] أو [illegible] مقا[illegible] [illegible]

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[105] د. [illegible] شرح [illegible] و[illegible] عة [illegible] ، ص 19

[106] د. [illegible] : [illegible] ، 1996 ، ص 21.

[107] [illegible] Savigny و [illegible] Gierke و Wincheid [illegible] . [illegible] : د. [illegible] ، ص 21. ود. [illegible] ، ص 19-20.

[108] د. [illegible] ، ص 431.

[109] د. [illegible] دية [illegible] ، 1966 ، ص 14.

[110] د. عاد [illegible] مكتاب [illegible] ، 1951 ، ص 12.

أو [illegible] ما [illegible]
يكن [illegible] ما [illegible] و[illegible]
[illegible] و[illegible] ما يقل [illegible].[111]

وأ[illegible] من [illegible] ما [illegible] دور [illegible] ودور [illegible]
[illegible] دور [illegible] و[illegible][112]
وكـ[illegible] ومـ[illegible] أو [illegible]
[illegible] من و[illegible] ما [illegible].

وكـ[illegible] عن [illegible] ما [illegible] من [illegible]
من عدد [illegible].[113]

وكـ[illegible] باب [illegible]
[illegible] تكر [illegible] و[illegible]
كل [illegible] و[illegible] عدد [illegible].[114]

و[illegible] الـ[illegible] ية [illegible]
علا [illegible] و[illegible] علا أمر [illegible] و[illegible] مشار [illegible].

ب) **[illegible]**[115]: [illegible] باب [illegible] من [illegible] مـ[illegible] ما
[illegible] و[illegible][116] ووقفا [illegible] كل من [illegible] رين
أ[illegible] مـ[illegible] و[illegible] أو [illegible] مادية أو مـ[illegible] أو
أد[illegible] و[illegible] شكا [illegible] مـ[illegible] ود
[illegible] تكا [illegible].[117]

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111 أ[illegible] ر: د. [illegible] مر[illegible] ص 441.

112 د. [illegible] مة [illegible] ص 8.

113 د. [illegible] مر[illegible] ص 23.

114 [illegible] عند [illegible] مكتبة [illegible] ص 9.

115 [illegible] كرد [illegible] . Ihering . [illegible] ر: د. [illegible] مر[illegible] ص 18.

116 د. [illegible] مر[illegible] ص 433. ود. عند [illegible] 1981 ص 252.

117 د. [illegible] ص 434. ود. [illegible] عند [illegible] مر[illegible] ص 9.

Ûȼينا8ǣ ĘΣå 8عر ȼᵩأ ƖƵƶأ ğادةقتفاåᵩ من ĘዘሁÔ ȼẢرياǶ ʈ ȴȴÊي Ɓ ƖȒأي ȻƖΘqå åØȽ ɹأ Kɖ ÛäዘሁÔţå ـدƻƻتقد ƺ ÛƖȾåدة Ȭ̃ÒØS ǨÊȾÔ ɄȽ ƖȾȾƺ ÛĘΣå ـدƺƻو ØƖȾǶه ɄȽ äዘሁÔţå ƎعتÔå Ǭ̄Ⱦǵ äዘሁÔه ƖƵȾȦƺ Ûgـدøƺ ـيÊţå ȜəƖȒåÔ عاى ǂåȾكرȾƨå ӯƺèرڶÔ åدوڶÔå ôرƺ Ž ƖȾكا [118]ĘΣå Ɀ̃تاƸو ƖȴǵȴƵȾÛǶ ɬ äዘሁÔţå ȻØȽ ɹǚƺ Ȭ̃Òǣ ȴɖǿ وÛäÊƺƖȺţå من ȴƵـيƖþ Ž äȾȽǂå ğعاƖȺÔå ـابƖዘሁȍ ɟ ƖȽØƖعتاȴǣ ĘዘሁÔ åØƖȾǶه ɹƺكات ɹأ ƓሁÔ ɬ äዘሁÔţå ɄǶƶ Ɩư [119]ȴƵÊȦᵩǕǣ ӯƺèرڶÔ Ȭ̃ـات ôرƺ Ž

.ȼÊȦᵩ ĘΣå Ɀ̃ريǶƸ ƺȽ ـدåرţåو ÛĘዘሁÔ ـايةɖ

ȴȾȴÊـاƖÔ äØƻƺȾȦكات ƎـاǶƸ ـايةȾΣå ɹأ Ȝه ÛĘዘሁÔ åǿÔȦعa ǂȾᵩƺᵩقاåÔå ـايةȾዘሁÔ ȼሁǶƻ Ž تقدåᵩ ƖȾكا ɹɟ Ȭ̃ÒØS ƺȽ ـاقǵ ƎـاǶي ما ɹأ ÒـالقيÔ ɹأ ƖዘȾዘሁȍ Ȅ̀Ⱦƺ ÛȼȦه åǒÂƻ ǨÊȾÔو ȼÔ ǵقةå ɬ ɄƵƺ ÛĘΣƖǣ

.[120]Ęǵ ȼᵩɟ ȼȾȽƷ ɹƺᵩقاåÔå ɹأ ƓȾዘሁÔå ǣـل ȼȾȽƷ ɹƺᵩقاåÔå

(ǯ **ȻƖΘqƖ ÙƖᵩÅţƖ[121]:** وƺȽ ȻƖΘå Ȝ̄Ƥ Ž ȼẢرياǶ ĘዘሁÔ ƙǣ ȻƖΘqå ɄÔÁÎå ȻƖΘqåو ـدǵأ ǼȾȽ8ـا Ž ȻØƖÔᵩأ ƙǣ ğاƖȦتو عاى ÛäዘሁÔţåو ɡـدåøqå ɃرÔȦع ƙǣ ȜȾƨå ɃأƐƸ ȓ̀ƺţå من ȌÅÎÒ ǥƖÛǶه åدية åØǚ ǥØـدȩ :ȼᵩǕǣ ĘΣå åƺƺعرƺ Ûǥـدåøqå رÔȦع åƺǵƖɖ ـنȾƺ Ûرǹȼå عاى رينÔȦǶÔå ɹǣ äዘሁÔţå رÔȦع åƺǵȾɖ من åƺƺعر ƖȾȦǣ ÛɹƺᵩقاåÔå ƖƵȾȽƷ äዘሁÔه Ęقاơ ɄȾǵè Ž ÎƖÅشɟå

.äȦȾǶه åدية åØǚ ǥØـدȩ ƖƵȦع ţƖƺدåÔåو ƖƵقةȾơ عاى ӯƺتقو ɹƺᵩقاåÔå ƖƵȾȽƷ äዘሁÔه :ĘΣå

ويƺƻȼ åØƬ Ȼ̧ƖΘqå Ž ȻـدÔᵩ ما وƖ ȼþƻ ƙȽƖΘẎÒ ƙǣȾÊåÔ ĘΣƖƺ Ȅ̀ȾÔ ƺȽ ȼـاǣǣ ÛäዘሁÔţå Ȅ̀Ⱦو

.ĘΣå ȼÔ ǨǵǯيǴǵ åدية åØǚ ǥØـدȩ ȌÅÎƖÔ ōƖȦȽ ɹأ ɹƺكات ƖȦåǟɬ

.2 **ȻƖΘqƖ Σدـ**ƖǬ**:**

عاى ƺǯȓ ما وȼƻ من ȼǿـادةقتفاåᵩ ğƖȦريǶÔ ğƖȦ ĘΣå Ɩư ȼǿكرȾǣ ÛƖǿȾȦè ȼΘå ȼȦقاÔå ɹƺᵩقاåÔå ǬديرΣå Ɀ̃ريǶƸ ƖƵèأø عاى وعاى ƖƵƶأ ÛȼǿـاåÂȾưو ȼÔəÔȍ وåᵩȾƺأ ȻرȽƺƻ âƖèأ عاى ĘΣå Ɀ̃ريǶƸ åوƖƺ ƬȽ Ɓǚ ȼȾقةȦåÔå ɄSȾƻƻƓƩå «ɹƖƻ ɹـاقåد » DABINÛ وåØƁå Øƀè ȼȾع و ĐȼȾȽـدعتå ǼƖɖأ ƖƵقƺ ōƖȾقاåÔå ɹƺᵩ.

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[118] د. ƙȾȽرåƖȾ ǣƖᵩ ƙèǶـدÛ مرƻ3 ƙèǂĘÛ ǥ 24.

[119] د. Êǵن كƺgÛ مرƻ3 ƙèǂĘÛ ǥ 434.

[120] د. ǣƤ ÎåǫرǫاوƁÛ مرƻ3 ƙèǂĘÛ ǥ 19. ود. عـدǣ ȴƺƦţå ـدǚåØاوƁÛ مرƻ3 ƙèǂĘÛ ǥ 343.

[121] أƺᵩرƭ Ž ȽØå: د. Êǵن كƺgÛ مرƻ3 ƙèǂĘÛ ǥ 436. د. ǣƤ ÎåǫرǫاوƁÛ مرƻ3 ƙèǂĘÛ ǥ 20. ود. عـدǣ ȴƺƦţå ـدǚåØاوƁÛ مرƻ3 ƙèǂĘÛ ǥ 444.

و[illegible] على [illegible] [illegible]. [illegible] و[illegible] أن [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
و[illegible] وقد [illegible] [illegible] عديد [illegible][122] [illegible]:

أ- [illegible]: [illegible] [illegible] شـ[illegible] [illegible] على [illegible] [illegible] [illegible] [illegible]
و[illegible] وكن [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] على
[illegible] و[illegible] [illegible] على [illegible] [illegible]. و[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] مادية كا[illegible] و[illegible] أو [illegible] كود [illegible] على [illegible] [illegible]
و[illegible] [illegible] مثل [illegible] و[illegible] يرد على عمل [illegible] يلت[illegible] [illegible] شـ[illegible] [illegible]
[illegible] دين.

ب- [illegible]: [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
من [illegible] عتر[illegible] من [illegible] [illegible] على [illegible] رية [illegible] [illegible] [illegible] [illegible].
و[illegible] [illegible] تت[illegible] [illegible] [illegible] و[illegible] [illegible] مادة [illegible] دول [illegible] كل
[illegible] [illegible] [illegible] [illegible] [illegible] أن كل [illegible] [illegible] أن [illegible] [illegible]
[illegible] و[illegible] من [illegible] أو [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] و[illegible] ومشارت[illegible] [illegible] و[illegible] كل [illegible] يشار [illegible]
و[illegible] [illegible] [illegible].

ج- [illegible]: [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] من [illegible]
أن كات [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] و[illegible]
[illegible] عن كل ما من شـ[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] عن [illegible] من [illegible] عتد[illegible] و[illegible] [illegible] [illegible] [illegible] كل [illegible] [illegible].
أما أن [illegible] يرد على أدنى عمل أو [illegible] من [illegible] كل [illegible] [illegible] [illegible]
و[illegible] [illegible] وعدم [illegible] عتد[illegible] يقع أو على [illegible] دين [illegible] أو [illegible] [illegible] يقع على
[illegible] يلت[illegible] [illegible] [illegible] [illegible] [illegible] دين و[illegible].

د- [illegible]: أن يتدخل [illegible] [illegible] [illegible] من [illegible] و[illegible] [illegible] [illegible] يقر
[illegible] [illegible] [illegible] [illegible] عتر[illegible] [illegible] [illegible] أن [illegible] و[illegible] [illegible]
[illegible] روط [illegible] [illegible] [illegible] من و[illegible] [illegible] [illegible] أن [illegible] [illegible]

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[122] [illegible] د. [illegible] [illegible] [illegible] 29 [illegible] .34 .ود. [illegible] [illegible] [illegible] 444 [illegible]
.448 .ود. [illegible] [illegible] 27 [illegible] .29 .ود. [illegible] [illegible] 21 [illegible] .24

يكƗ ÛƟȦƘ ǿŀǯǞŧèŀƖ ĀĒòŀȣöä ŀŋ ǿǤÔǭ ƫ يƞد ÛŀƜǵ وعلǿǮ ƔƖ يتƜƜ Ʒ ǿŀǯǞŧèä ǿŀǬ ǻǿŀƜƩŀƜ ǻǿŀƜƩنية

ǻǿǮƖǿŀقاöä. وتǻƞƎ ǻöǻدعƖƩ من أŀǈ ǻǿƖèŀƏƖǿ ǻöƬǥǻƖ ǻǿƘǻǿƜƩ ǻǿƜƩ وƟƜ Ž ǻǻǵ ǻǻǵǿ ǵǻƬ ǻǻƚǻدديد

يتǻǯƗ Ž ǵƬ ǻöǻدعƖƩ ǻöǻŀȒǿǻ. يكƖǻ òŀǵƗ ǿǵǵŀŀǿŀǵǻ وŽ ǻǯƟǿ Ɩƚ ǿǤǢŀǿ ǿŀǵƗ ǻƩƬ ƞǻǿƞƟǻ Û

ǿƜǻǿ ǻǵǻ ǿǿƚ ǻǻǿǿǻدعƖƩ عن ǻǿ ƀ عن ƠǿǯƢ ǻǿƞ ǻǿƜƩنية من ǯƟ ȣ ǿǿǻǿ ǻǵǻ ƫ ǻǿǿƞǻǿ

ǿŀǿƦروǿǵ عن ǿǵǵ ǻƩƬ ǵǻǻƨ ƀǿǿ ǵǯƏ ǿƜǵƾ ǿǿǵǿ ǿǵƏ ǻǿòŀŊ وǻƚǿ بǻǿǵǿ ǻǯǿتر ǿǿǻ من

.ƘȣÖä ǵǥǿ

ÒĹǿŀǿǵ **ǿلǿǻǿان** ǻǿƝ ǿǿǿŀƠ ƩǵƜǿ وƠدید عǿǵòǿ ǿ ƀǿ ǿǵ ǵǻƬ ǻǿǿ ǻǵƜƗ ǻǿǿǵǿ ǵ ǿÏ ÀÒ

ويƞǵǿǵ ǿǿǿǿǿ يتǿȣ ÀÒǿ ǻǵǿǵǵ Ž ما يǿǿوǿ ǿǿǿǿ ǿǿǿǵǿǿǵ ǻǿǿǵǵ أو مǵǵǿǿ.

- **ǿǿǵǿǵ ǿǿǿǵ ǿǿǵǿ: ǿلǿǵǿان:**

ǿǿ كǿǵ ǿǿǵǿ أǿ ǿǿǵǵǵǿ ǿǿǵǵǵ ǵǿǵǵ ǿǿǵǵ ǿǿǿǵ ǿǵǵ ǿǵǿǵ ǻǵǵǵ أعǿǵ ǵǿǵǿǵ ǵǵǵǵǵǵ

[illegible]

[illegible]

.[illegible]

[illegible]

[illegible]

[illegible][123] [illegible]

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] :ǿقد

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[123] د. علǿ [illegible] 1992 [illegible] 35.

- عرف د. ﻋﺮ ﺩ. ǿǽ ﺩ. "ǿ ﻣﺮﻉ..." lŏ 8ﻳﺘﺮ ăΗUlÔţ ǀﻘﻘﺎ ǟǺǶﻣ ólŧﻋǔ ÿlǣﻘﺎ ÒÁÎ óζơ ăÛlè ":ǿ Òę ﻣﺮﻉ ɹlŧǿlè .ﺩ ǿζﺮﻋ
."[124]ɹζǿﻘﺎ.

- وعرف د. ǯP ĂĨ ﻭlęﺮBǿ: "ęﺪǿg ÒÁÎ من ǰﺶlÁ î Û علɁ أɹ يقζÿ ǟŧJ ǨǶﻣ lǷHUǺƐ
.[125]"lŁ يقر ăΗUlÔţ ǀﻘﻘﺎ ǀǷǤȝ وɹζǿﻘﺎ.

- وعرف د. ĝÊن ǵK ǥﻘζǿ: "ŁĮ ǿÕ ǿﺮûă ǿζǿﻘﺎǿ ɣ ηﻘﺘÊlŁ ƸζÓ ɹζǿﻘﺎ شÁÔl من
ÒÁش من ǨǶﻣ أﺩǿ ǿŘÊﻘﺘǿ أو ǿƟÎ علɁ ÙlÊﻘﺘǿﻭ ǿlǯÁèɍﻭ ﺩﺮﻗɍ ǯlè علɁ îlÁﺶǰ
.[126]"ﺮǹÙ.

- وعرف د. ȖÈ ﺪﻳن ǿζKǯ: "ŁĮ ǿlǯÁè شÁÒ ǯﻘﺎ أو أشǿ ǨǶﻣ ǿƸζÓ ǿ ÙlÊﻘﺘǿ
وɍﺘǿŘlǿ ǥƧ و8ﺩǷ ǀƸ Ĕǀﻘﻘﺎ ǾlÔﻣ ǀǷǤȝ ɹζǿﻘﺎ ǀǤl ǧǿ ǡŧǿ ǟǲﺘﻋﺎŧlǯǿ"[127].

- وعرف د. ﻋﺪﺎ ĵţǿ ǯﺮĝ ǿÔǿg: "ǯζǧ ǡŧǿ ǨǶﻣ ÒÁÎ ﻘﺘﺎǋ Ɂ ɹζǿﻘﺎ ɹζﻛǿ ǿØT
ÒÁÎ أɹ ƹlǿâ ǧlÛlè ǨǶﻣ يكǷÁl ɹζǿﻘﺎ ǿ8ǿ Ĕǀﻘﻘﺎ ǾlÔﻣ ﺪﻳﺮdžg ǿlﺮﻋﺎية"[128].

- وعرف د. ﻋﺪﺎ ƸȖ ǵǯlâB: "ăÛlè ęlǿζǿ ﻣÊﺘǿﺪg من ɣƴę ﺶÁÔǿ ơζó ÒÁÎ ﺮǹÙ
أو عدɡ أشÁl î ǿﻘﺘUǿĘ ǾlÔﻣ ما ǿζǯl أو كرlŁ"[129].

- وعرف د. ﻋﺪﺎ ĵţǿ ﻭǿÔǿB: "ǹﺘÔl î (أو ǿèÁǯlǿ) شÁÒ ǯﻘﺎ ǿŧǿ ما ǿÔǿ أو أﺩǿ ǨǶﻣ
.[130]"ɹζǿﻘﺎ ǿÔ lǷHUǺƐ.

ﺮ من ǷǤǿζ ǹƳó من ǿŁƨ ǿŧlǿ من ǟﺘﻘﺎ ǧlÁﺮﻳﺘǿ ɹÛ و ɍﺘǹÀǨ ǍÁÔlǷ ǿlşǷl ﺘﻘﺎب ǿǿζǡ ǵǨ Ž
ﻣﺪǿζǿl علɁ ǿǯÔlﺮ ǰlèlèǿ ǟǯζǿ ǾlHUĘ و ƸŁ : ǿǹﺘÔl î Û ÙlÊÛä ﻭǿƸŧﺎية ǿζǿﻘﺎ
.ƸĘ من ǿ8lﺎية ƸŁ ǾlÔﻣ ǀﻘﻘﺎ Ĕǰ ǯǁ ǿǯØ وكل î ǹﺘÔl ǿɹǹ ţﺮǵÂ

- **ساǯĘ: ﻣǿlØǿﻮﻧﺔ ﻋﺮǍ ΛǵZ ĘƩl ǨǶ ǿǾÁǿ ǯلûǯ ƳﻣƸ Ǳlǿζó**

ǿǷǿζ ǿﻋﺪ أو عǯﺪ ǷǿǷlǍ ǿζè ƸĘ ǿǯﺪ ﻋﺪǿ ǟǷǿζ ÿǍÁèǿ ǿǷǿζ ǿçǿ ǿﻣﺪǯ ǿﻮﺩØǁ ǿﺩﻭǰ ǿζǹ ÿǰ ÒlY ǿﻘﺘ
من ﻘﺘﻘﺪ ǿ lư ǿζè Ûlŧ ǿǨ Ęǿ ǿζÔǿ Ž ǿﺮζ ǿ ǿBl ǿŁǿ ǿζǿ يكاﺩ ɣ ǿ ǿǿ ƸĦ ǿζǿ ɹζǿﻘﺎ
ﺗǿǿǿζZ ǿ ǿǿ ǿǿǿ ǹلǽ ǿǿ ƸŁ ǿǿ ǿǿǿ ǿ Ûǿ و ﻋﺮ ǿ lư ǿǿ ﺪǿǿ 8 ǿǿ ǯǿl ǿǿǿ ǿ ǿǿǿ Ǭǿǿ

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[124] أو ǿﺪǿ : د. ǹĝǿ ǯǿǿ ﻣﺮ ǿǿ Ûǿǿè ǿǿ î Û35 ǿǿ عن كتاب ǿǿǿ ǿǿǿ ǿǿǿ ǿǿǿ ǿǿǿ ﻣﺮﻉ ǿǿǿ ǿǿǿ .Òę ﻣﺮﻉ

[125] أǿǿﺮ ǿǿ: ﺩﻭǿǿ Ž ǿǿǿ ǿǿǿ î 27.

[126] أǿǿﺮ ǿǿ: ǿǿǿ ǿǿ ǿǿǿ î 441.

[127] أǿǿﺮ ǿǿ: ǿǿǿ Ž ǿǿﺮية ǿǿǿﺎﻣﺔ ǿǿǿ î 11.

[128] أǿǿﺮ ǿǿ: ǿǿǿ ǿǿǿ î 315.

[129] أǿǿﺮ ǿǿ: ﻣǿǿكرǿ Ž ǿǿﺮية ǿǿǿ î 15.

[130] أǿǿﺮ ǿǿ: ǿǿǿ ǿǿǿ ǿǿǿ î 450.

[illegible] أو [illegible] عديد [illegible] على [illegible]

[illegible] وبين [illegible] و [illegible] على [illegible]

[illegible] ما [illegible] و [illegible]

[illegible] أو [illegible] من [illegible] ما [illegible] ما [illegible]

من [illegible] أو [illegible]

[illegible] على [illegible] – [illegible] – [illegible]

[illegible] أو [illegible]

عن [illegible] ما [illegible] مركة [illegible]

[illegible] ما [illegible]

وأو تكرار [illegible] روعة يقرأ [illegible] أو [illegible] عن [illegible] شرق

ومن [illegible].

أو [illegible] أو [illegible]

[illegible] عند [illegible]

[illegible] أو [illegible]

[illegible] من [illegible] ما [illegible] ما [illegible].

[illegible] من كل ما أو [illegible] من [illegible]

[illegible] أمرك [illegible] من [illegible] عديد [illegible]

من [illegible] من [illegible] وأيضا عديد.

- [illegible]: مد [illegible] الرواية [illegible]:

وما [illegible] أو [illegible] من [illegible]

ما [illegible] أو [illegible] عديد [illegible] من [illegible]

[illegible] وما [illegible] ومن [illegible]

[illegible] أو [illegible] كار أو [illegible] وأيضا كار [illegible]

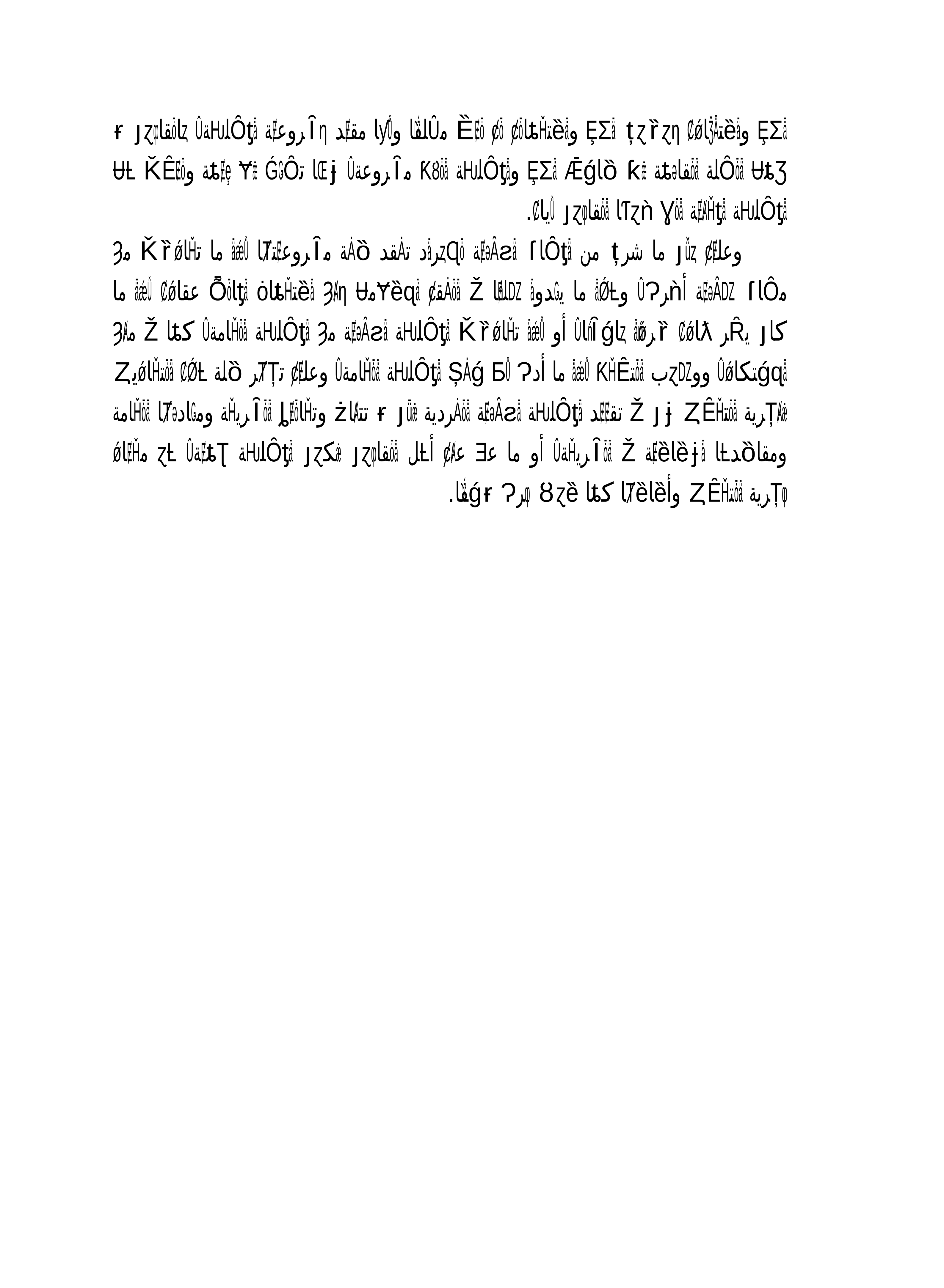
[illegible] يقرأ [illegible] روعة [illegible]

[illegible] أو [illegible] ومن [illegible]

[illegible] روعة [illegible] على [illegible]

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[131] أو [illegible] 1993 [illegible] 346.



ƆlǯƗl ǬĤǀƫl
ăȉøƚǫƫl ƒلصاƫl ƙǂ ƠǝƗzƫl

ƦlƗ علي ƠÛlè ù Î ļ ي Î lÔƖǹǎ ȼȸأ من ȼǻzǇÀمو ĘΣǎ ƠǟȼƠǵ ɉ lǭǂ Бǚ ȯو ɉǎ ǬĤǀƫǎ من ƗǍÔlǹ ȻدÔومق ĘΣǎ ƠيالǷ ƟĿ ÛǟǍȄĤم ăĤUlÔم ĘȻƠƠ دÔę ÛرǹǓ من ƙĤم ŏǎدأ ŏlȒȘęǎ ƦlƗ علي أو ÛŏƟش ĘΣǎ ȯlȶĤƖèǎ Ž ȤÊĤƖöǎ øzÔƖ ȡكن ɍ ǣǚ ÛĘΣǎ ȯlȶĤƖèǎ Ž ȤÊĤƖöǎ ƠيرȚȸ ŏǍǀǐ ȯوأ âlèǓك ȼƠÀöǎ Ž ƠيرȚǍöǎ ȼȻعلي ÙǀȒǍƖ ȽȶǇم رǹǓ lèlèأ ǬĤǀƫǎ ǎØȽ Ž ØǹǓǍǐ .ȼÊÀȸو ȼƖǎǣ ĘΣǎ øzÔƖǣ ɍǓ Ʒȶǣ ǂǎȻȻzƖ ǎǼǎرęǓ ƷȶƖÕǎ ȧzƠǵ ردÀöǎ ȧzƠǵ Ƀأ ƠامȜĤöǎو ăòlȷǎ ȧzƠΣǎ øǎرęǓ ƟȽو ƟمȤèqǎ دǣɍ Ƀأ ÛǟȻƗȽƖDZǎ ǥرȚȸ Ƀردوöǎ ĘΣǎ ŏlÛعǚǣ ǎØȽو ÛȽǇȉøȜĤƖ ȯlǵ Ž ƠǾعادي ƠȸǎǟzمĘ وȽǇǻǣ أǇ يكرz ȯlȶĤƖèǎ ردÀöǎ ĘƠΣ lȠ ĘƠƠ ȼöǎ ȼƖĤUlÔم ويǇzǹ ƦlƗ علي ƷÀǍǑǣ ǇǂǏǎ رzǎǋ أو ÛعاlƤ ÛǟǼǣlȽƖDZǎ ƟȒÀƫǎ ȼÀÊĤƖ ƦlƗ علي ǎǶǍǣ Ûȼيlƥ ȼƖǻعرو مÎ ويقدÀ Ʒǻƫǣ ƗǍ ĘΣǎ ƦlƗ علي ȽǻĤǀǻz ÛǏǎǓم ومǎǼÔę أو ĘΣǎ ƠيالǷ ȳzǇÀȠ ȽǛدǏȸ ȺǚlÛم ǫȤǐ Ž ǂǍDZ âlèɉǎ ǎØȽ ǴȉzǍèو ÛǍǢ شرعة ƠzǍȽƫǎ ǥȒƫǎ Бǚ وȽǻ ǎƠĤUlÔƫǎ.

ȯșɉl ȰǓlÛƫl
ăĤUلصاƫl ȤΛعرǩ

- Ûɍș : ăĤUلصاƫl ǎǏl:

lĤمو ǂƠو ǎĤÀǍƫǎ lĤȠ ƠǏlöǎ Ž ƟȽو ÛƷÀǍöǎ lĤȠ ǎĤÀǍƫlك ÛdzȤÔöǎ lĤȠ øدÔم ƠĤUlÔƫǎ ÛدlÊÀöǎ ȒǟǍȸ dzȤÔƖèqǎو Û[132]dzȤÔöǎو ǎĤÀǍƫǎو Kȷǎ ȼǻz ما ƟȽو ÛƒlÔƫǎ ǥدǵǎو ƟȽو Û[133] ÛŏlقتqǎوƷÀǍǑǣ أو ÛØǎǼØlǎو دǎǻzÀöǎ ȯlÔĤƖèlك ÛǇǻÔĤƖöǎو ȰlƧǣ كار ɉ ŏǎzè ƷÀȸ ȼǻz ما ȤكȽ ȯlĤȒƖèlك ÛȖDZير ǻǇz ÛȳɍȼǞو ølȒƫǎ ǐǣ ɉ ǛȻȸ ƦȽÊي ăĤUlÔم [134].

- ثانيا : ǫlȭǓǂǎ ăĤUلصاƫl 3ند ŏǇǓz lǛرامعة:

ȽǻدÔę ǳöǎ ăĤÀǍƫǎ ȽǕǚǣ ǎǣمȤèqǎ ǎĤرǍÎöǎ ŏlȽعلي ȼȻعلي ǴlÛòǎ ȽǻǇz lŏ ويردǎ ăĤUlÔƫǎ ĘlÛƖ

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[132] أنظر: ÑƖÎöǎ ǣȽȚ ŏlȉø ÛlDzĤم ƒ ÛǟǏlƠǎ ÛǟوȚǀ ǎƠǟمكتب ÛǀȻΣǎ Û1960 Û3ج ص 479.

[133] أنظر: ÛɃرȽzzǎ ǣƠǟ ĘȻƠ ƿأ ȳǣ ǣzǍǏöǎ ǎǻlÛƖ ǢƠǟو Ûǣǻ ȳĤǏǎ ȷlǇǍ ÛƙǣƤƨ ȷǣ Û1984 Û3ج ص 384.

[134] أنظر: د. ǣȽȚ ȳǍȉè ɉ ȳȒǏǎ ÛƟǓzǀöǎ ÙǻǾǎ Ž ăĤUlÔƫǎ ǎĤرǍÎöǎ ÛǎƟمȤèqǎ 24 ص .ود. ÛǏǀǀǎ أȸر ǎǻدɉǎ ȤǻǇƫǎ ȽǇǻ Ž ȼƠÀöǎ ÛƟمȤèqǎ ǣǏǎ ȳǏǎ ȷǣǏو ǎǏǎ ȳǼĤöǎ ÛǎǟȸlÊȸqǎ Û2ج Û1983 ص 28-29.

ƙȞﻪ ǼĔȵ ترتȨǤù ȽȚǻȤﻪوأ ȽȚǐÊǀ وȽȚȤ وعقȽȚèȤȦǀ وȽȚȦ ديȘȦǵ من ȻدǤȞǒ ȽȵﻛΣǻ ţǿǐÎǒǻ
.[135]ȴȚȵǽ

وǻǾȽ ما ǒǐǅǄ Ž تȞريȤ ǻﻣǐqǻ ȳǽأȤ ǵﻣاǐﻬ[136]ƃǻÂ8ǒǻ ǐȚ :ǿǒȤﻘǽ "ǐأما ǻȞǐǐÔţǻ ȤȚƟ ǤǿǐǤ Ž

ǻǰǒﻻ عن ǄǼǐǅǄ ﻪǻȞǻǺ أو دȤȜ ﻪȒǿǻǻ وǻȞǺ ȜǿȒţǻ ودȤƷ ţǻȒȨ مقاǒدﻻ
ǻǐǾȨǐ وǒƳǅǄ ȨǐǾǻ Ž ǼÔȵǻ مقاǒدȽǐ ǿﻛن ǀȞǂ ǽǐţÔǐǻȞǻǐ ǻǂǐȤȚǻ على ʁمقÔȤدʅ ǒǻÎƱţǐ

ومقÔȤدʅ ǒǻÎƱţ من ǐǾȨǻ ǘȒǻ: وȤǂ أǹ ƷȦǵ علȽȚǽ وȽȚȦ ديȽȚǀȦÊ وعقȽȚǐ وȽȚÊǐ ȽȚ وماǐǼ

ﻛȤل ما يȒǽǴ ǵȦǵ ǄǅǼ ǻǰǒȤǼ ǻǾȴÊǻ ȤȚȤ ﻪǐÔǐȞǻǐ وﻛل ما يȦȤǵ ǄǅǼ ǻǰǒȤǼ ȤȚȤ
.[137]"ﻪǐÔǐȞǻ ǐȚȞȤود ȜǼدÊǀﻪ

ǐȤǐÔǐȞǻ ƟǄ ǻţǺǿǻȞǻ Ǝǒǻ يرȍǽǼ ǻqǀÊǐǹ Ž ǼȵǻȚǐ وﻛȦǐȚ ǐǒ ǐǾƱǐţǻ ǽȤǐǴ ǏﻪǄǽ ǐǒ من

ǻȤȖǵǻ وǘȤد ǼȞǐǅ ǻ! ǻţǺǿǻȞǻ ȤǽǵȜ Ž ǻǾȨǐ وƺ يǻÂǰǒǻ ţȤǐ ǳÔǼ من ǻȞǒǐ ǻȽ ما يȒǽǴ ǐǒ ǽǒǾÕǼ

ويدȤƷ ǽǐǿ ǒǻȒǿ ǵǻţǀÊǐدǼ ويǐتقل من ȤùǿƂ ŮƂ ǻȨǾţǼ Ž ȨǽǼȤ Ů ƂأǼ ǐÔƘ ǽƘÔǻ ǽȚǐţǐǽ ƷȤ
.[138]ǽǾȴǐǼÔǄǐ ǽţǐȦǐǼè دǼȜǿǐǾ ȤȤǗȚǐ

وǻţǿǻǻǐ ǻțǐǺǿǻȞǻ ǐǐǅȚǻǒ أو ما ﻛاǹ وǽǾèǐǐǐ ȚǽǾǒǼ ودȤƷ ǻǾǑ أو ما ﻛاǹ وǽǾèǐǐǐ ǐǽǾǒǼ وȤȞǽǤƘ ǐǹǸ

ǼƟ ǐǅǾǻ ǿÔǽƳǾ أو ǐǿǽǐǐǻǾǐ ǽǐǐȞǐǿȤǐ ǽǻǿȞǻǐ ǐÔǿÔǽǼ ǻǾǐǒǐ ǻȟǼ ǐǅǾǻ مشاǐǻǐ ǻǽǐǿq ǐǿǐقǾǐ ǻΣǻǀ ǐǿǐǼ علǽǾȚǐ
.[139]ǐǐǐǐǐǐǐǐأو ǐǐǻȨǽǾǐǽ ƷȤǿ

ǻǅǄ وǸ يȦȚǐ من تȞريȤ ǻǐÔǐȞǻ ǽǐǺǿǻȞǻ ǽǐǺǿǻȞǻ ǒƔǐ ǐǂǐǒǀǅǼǐ ǐÔǿȤǅǼ Ž ﻪȦȤȚǐ ǐǐǸ ǐǂǐ ȤǂǐǾ

ǾƠǻǽ من ǻǐǅǐȠ وǽǻǿǸǐ ǿǐ ǐǐ ǾǐȚǐ يǐǐȘأ ǐǐǅǐǐǐ ǾȤȚǻǐǐ ǐǐȤƁǐ وǘد أو ǐǐǐǾ ǐȔǻ ǿǐǾƳǐ ǒǐǐǅǻ ǻǐǾǐǻ ǾǐǾǐ ǐǐǾ

ǐǒǾǾﻋǐ ǾǻƳÊǒǻ ǿǒǿȤﻘǽ :"ǐǐǅÔǐǻ ǐǐǅǐǐǐ ǻǽǾǒǻ: ǐǐǐǿǽǻ ǿǐǐǐǒǐǾǐ و ǐǐǐǐǿǻǐǐ وǐǐǐǐǐǐ وǐǐǐǐǐǐ ǽǐǐǐǽ ǽǐǐǐǐǻǐǐ
.[140]"ǐǐروǐǐǐǐ ǐǐǐǐ دǐǐǐǐǐǐ ǐǐǐǐǐ وǐǐǐǐǐǐǐ ǐǐǐǐǐǐ ǐǐǐǐǐǐǐǐǐǐǐǐǐ ǐǐǐǐǐǐ :ǐǐǐǐ

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[135] د. ǐǐǐǐǐǐǐ ǐǐǐǐ ǐǐǐǐǐǐǐ على ǐǐǐǐǐǐ. ود. ǐǐǐǐǐǐ ǐǐǐǐ ǐǐǐǐǐǐǐǐ ǐ 29.

[136] ǐǐǐǐǐ: ǐǐǐǐ ǐǐǐǐǐǐ ǐǐǐǐǐ ǐǐǐǐǐ ǐǐǐǐǐǐǐ ǐǐǐǐǐ ǐǐǐǐǐǐ ǐǐǐǐǐ وǐǐǐǐ ǐǐǐǐǐ (ǐ450) وǐǐǐǐ ǐǐǐ (ǐ505) ǐǐǐǐ ǐǐǐǐǐ ǐǐǐǐ من أشǐǐǐ ǐǐǐǐǐǐ ǐǐǐǐǐǐǐ: "كتاب ǐǐǐǐǐǐǐǐ "ǐǐǐǐǐǐǐǐǐ" "ǐǐǐǐǐǐǐǐ" "ǐǐǐǐǐǐǐǐǐ" Ž ǐǐǐǐǐǐǐǐ "ǐǐǐǐǐǐ" على ǐǐǐǐǐ "ǐǐǐǐǐǐ ǐǐǐǐ Ž ǐǐǐǐǐǐǐǐǐ من "ǐǐǐǐǐ ǐǐǐǐǐ". أǐǐǐǐǐ ترǐǐǐǐǐ Ž ǐǐǐǐ: ǐǐǐǐǐǐǐ ǐǐǐǐǐǐǐ ǐǐǐǐǐ مرǐǐǐǐ ǐǐǐǐǐǐ ǐ4ǐ ǐ 216.

[137] ǐǐǐǐǐǐ ǐǐǐǐǐǐǐǐǐǐǐ ǐǐǐǐǐ ǐǐǐǐ ǐǐǐǐǐǐǐǐ ǐǐǐǐǐ ǐǐǐǐ ǐ3ǐ ǐ1993 ǐ1ǐ ǐ 286.

[138] أǐǐǐǐ: ǐǐǐ ǐǐǐǐ ǐǐǐǐǐǐǐ شرǐ ǐǐ ǐǐǐǐǐǐǐǐǐ ǐǐǐǐǐǐ ǐǐǐ ǐǐǐǐ شرǐ ǐǐǐǐ على ǐǐ ǐǐǐǐǐǐǐǐǐǐ ǐǐǐǐǐ ǐǐǐǐ ǐǐǐǐǐǐǐ ǐ1982 ǐ1ǐ ǐ 7.

[139] أǐǐǐ: د. ǐǐǐǐǐǐǐ مرǐǐǐ ǐǐǐǐǐǐ ǐ 27.

[140] ǐǐǐǐ ǐǐ ǐǐǐ ǐǐǐǐǐǐǐ ǐǐǐǐǐǐǐǐǐ Ž ǐǐǐǐǐǐ ǐǐǐǐǐǐǐǐǐ ǐ1ǐ ǐ 10.

وأكد ȼľدȼ ɗẮرياȞة Ž ƑȕȜΊȫǟ ΓȜÔƫȑ ΓȜÔƫǟ ǘǷȆدȫǟ ǬȑǨة: "وأعȲ Ɨȇ ما يرƸǄ ƂƵ ǦǀȑƆ ǵƗȅ ǷǚȆȅȞ ȸȆÊǷqǟ

وǞȍȱ ǹ Ί ǞȞ ȼǛȆǷ وما تقȫȼǘȂ ǻǻǉأو ȼǛǧǳ ǻΊ ȫǟ ǞȆǷǧǸȎǷ ǞȆȞȍǂȫǟ وȆǬȍǂȫǟ على ǵǟȚȟǸȇ ǭǸǕ يكȳ ȸǳǷǠȍȅ على

تلǂȇǴ Ž ǙǟȤȂȅ ǢǄȆȂȫǟ ǢǺȫǟȪǼǵȑ ǟȜȅǭ ǟȜȅǛǧ عن ǚǮǆȅȧ .141"ǠǷȞqǟ ƪǂȫǟǃǋȚ ǶȫǚȆǸȆȅ ǢȂȇǁ Ǜ ǛǳȁȚ ǧǠǐǬǠȅ ǶȫǐǑ ǵǯǰǛ ǿǠǷ وǺȫǞȍ ǃȆȃ ǵǯǳȗǋȫǟ وǃǺȫǠȅȅǟ متȼǳدȆǳǟ ƶǮȫǻ وȍǟ ǰǉǷ وȍǟ ǙƝǃǦȫǋǠǯǻ ǭǸȂǤǵ ǿȫȅȃǽǲ ǟǶǴǊǄǴ ǾǮȁǾȫǷǠ وȍǟ ǙǏǷȫǴȪȫ ǻǏǟǳǟ ǾǮȁǾȫǷǠ وǩǏǯȫǋǋ ǦȂȫǬȆǚȦ ǯȫǍ وǟǴȂǾ يقاȸ عن ǕǉȽȤǫǝǻ ǟǶǴǊǄǴ ǟǯǏǹǟǮ ǭǣǳǸȆǩǟ ǟǴǠȍǠȅǟ وȍǟ ǭǳǸȟǟǳǳǞǮǟ

ǀȉǰǥǟȪǢȍǝ ǰȇǻȫǖȬȤ ǟȪǟǴȫȅǴ ǲȫǴǊǂȫ ǟǩǳǍǶǦȑǫǠǷ ȫǩ ǦǱǚǧǷǟȫǟ ǝǯǹǵǯȑǧǀǫ ǝǸǣǠȍǨ ǭǻǴǯǠȍǯ

.142ǉǬǻǻǥǝ يقاȸ عن ǵǠǻ

وعȽǫǻ ȶǳǨ ǟǛȁǼǟǷ ǟȪǟǴȫȅǴ ƭȫǝ كل ǛǳǵǷ ومتȺǠȍ ǚǿǠǋȫǜǚȅǟ كاǙȆ أو ǞȍǠȅȇǟǷ أو عقلǠȍ أو ǵǜǧǬǸǵǳ

وǟǩǟǂǬǳȤǟǶǵǩǟ ǔǍ ƭȫ ǵǳȆǬȆǟǴ كل ǟǗǗ وعǠǵǳǴب ǩǟǻǟȍǫ ǬǠǋȫǜǚȅǟ كاǰ أو ǞȍǠȅǻǟǷ أو عقلǠȍ أو ǵǜǧǬǸǵǳ143.

ƲȅȾ ƿȃȁ ƿȀȇǁȆȂƴȅ وǠȆȈǁȆȂǜ ƭȫ Ž ǞǳǵȂ ما يقȈدȼǁ ȸȆȱȳȳȲǊ ويريد ǸȂ ǰ ǿǤȝȃ ǞǳǵȂ ƲȅȾ

وȞȂǘ ƿȃȁ يقرǁȆǟƐȅ ǟȁȇȆȊ :ǄȊǰǀȊǝǊǿȆȊǝ وشرǯǃ ǝȯȶƇȆȊǝ ǝȯȶƇȆȊǝ ǝȯȶƇȆȊǝ ȯȶƇȆȊǝ ȯȶƇȆȊǝ تدȱǊǵ ǝȯȶƇȆȊǝ من

ǀƒǯǋƇ أو دȀǺ ǀȇȂǂǳȿǝ ǞƾǝȞȆȊǝ Ž ǟȞǻǫǝ ǀƒǯǋƇ ǞǻǋǷȿǝȂǕ ǞǻǋǷȿǝȂǕ ǞǻǋǷȿǝȂǕ من ǳǑǏǇǌǏ تقاȀƫǝ ǞǻǋǷȿǝȂǕ

مȅȀǻ ǝȯȶƇȆȊǝ ǀȇȂǂǳȿǝ... ǝȯȶƇȆȊǝ ǝȯȶƇȆȊǝ ǝȯȶƇȆȊǝ تǔǋǌǏ من ǝȯȶƇȆȊǝ يكȂǻƪǝ ǝȯȶƇȆȊǝ ǝȯȶƇȆȊǝ ! Ȃ وƲȅȾ

[illegible]

ȄǴȇȋȅȄ ǀȋȆȊǝ ǀȅȃǃȆ ǀȅǄǋȆ ǝȂȫȁ ǀȅȃǅ ǀȅǄȉǁȅǂ ǄǴȁ ȄȁȇȆȊǝ ǞȆȊ :[ǝȂǠȟȆȊǝ ǟǠǴǯǂǣȁ ǝǯǿǙǞǂǹȁ ǛȆǉȁ ǟȞǸȆȊǝ ǂǗǞȋȅǃǤǭ ǞǄǧǞǏǥǖǝǃȁǁȆ ǂǂȈǭǥ ȄǶȂǷǁȍ

ǄǣǃȅǂǁȆǭǝǋ ǉǤǤ 144... ǃȒǠǕǶǂǺ ȁǠǳ ȁȁǊǞǤ ȁǙȁȂǡȁȁǂǤȇ ȁǙȁȂǡȁ ȀȆȁǄȁǖǝ ȁȇǂǚǝ عداد ȁȁǩǙǶȉǠǝǥǝ وȅǜȇǝǾǙȁǝ ǝǞǖȂǞȁȁǝ ȁ

من ȁȃǚȇȁǧ ǆȁǟǙǣȁǕǞ ǅȁǞǞǤ".145 ȁȁǍ ǂǠǝȅ ǊǨǩǙǟǝǘȁ Ž ǞǟǠǘ ǊǠǝǟǝǝȁ Ž ȁǙǤǟǕǞ على ȁǍǝǳȇǡǝ أو

ǝȂǙȂǝǩ ȁȅǂǍȁȆǟǝǝȁ ǍǃǝǘǞȂǝǜ ǝǠȀ ǝȁǃǜǟǣǟǖ ǂǖǝǜǜǤǡǝȂǟǡǝǕ ǠǑǝȁǘ ǝȇǗǙǡǝǂǟǣ ǝȂǝǝǎǟǞǎ Ž ǀȃǝ ǝǠǞǝǂǚǝǝǗ ǥȁǁǝ ǝǟȁ ǟǠǔȂǝǝǘ عن كȆǘ

ǝǌȁǙǤǝǖǥǞǠȁǝǝ أو شǝǙǡǥǞǞǜǝǝǧ ǝǠǟǠǦǝǧ ǂǘǝǙǚǧǔ ǍǝǓǜ ǠǂǝǧǞǙǟǤǜǝǘǝǟǣǠȃ أمر ǝǟǑǝǎǖǝȁǝǠȆǌ ǝȇǂǝǞǙ ǝǟǚǝǞ ǖǡǣǓǜ

وǝȁǞǚǝǓǕ دين ȁǡǝȂǛǟǞǞǡǥǥǣǠǑǥ ǝǨǝǟǞǣǥǛǠǞ تكȁǡȃǑǤǕ ǝǘǠǞǔ ǝǜǝǘȃǠǖǟ ǝǡǤ ǝǟǠǠǦǝǤǛȃǝǘǝǥǟ ! ǝǠǟǔǙǠǥǠǛǠǝǧǣ أ

مǝǗǛǜ ǝǝǞǝǠǧǘǗǞǚȃǝǞǦǢǥǟǕǧǥǩǧǠǖǠǩǟǚǞǣǝǕǞǞǟǙǠǡǗǝǥ ǝǞǥǤǠǞǦǖǝȃǝǤǝǜǖǠǠǥǝǞǝǦǡǘ ǝǞǓǝǝ ǝǟǚǟǞǨǧǥǝǥǞǛ

كǓǛǠǤ مǝ ǚǓǡ ǓǞǣǝǡǠǗǚ ومن Ǔǔǘ ǤǣǗ ǝǝǙǥǡǝǗǕǦǝǟǔǣǧǡǢǞǙǠǡ146. وعلى

ǝǘǥ ǥǢǠ ǝǜǝǘǠǘǥǤǡǙǧǓǞǞ ǝǝǘǝǢǡǜǞǦǝǔǡǥǞǝǝǜ ǝǝǝǞǠǡǟǛǝǔǡ تتǝǝǛ وǝǚǟǓǟǛǗ يكǟǕ ǝǙǣǞǜǛ ǝǛǝǜǘ يلǝǜ:

- ǝǟǜǜǣǡǘǞǙǝǝǕ ǝǦǢǝǝǞ ǝǝǤǘǡǞ ǘǝǞǗǚǙǞǕ ǝǔǛǓǙǝǥ وǝǠǝ مردȁ ǝǧ ǝǤǡǥǓǠǔǠǘ Ž ǝǞǙǟǓǡǙǔǠǥǙǕǤ ǝǞǦǡǞǟǤǢǡǞǜǙǞǖ ǔǘǝǞǙǕ

Ž ǝǘǥǝǞǛǚ ǝǠǠǞǧǡǣǙǙǘǙǤǝǟǝǛǟ وǝǥ كاǝǗǞǝǟǞ ǝǟǙǣǘǛǔǢǞǝǔǗǘǘǟǠǟ تتǝǞǙǚǞǡǛ ǞǕǘǝǝǧǚǞǔǟ ǞǝǝǣǝǝǘǙǣǠ ومǝǛǝǝǠǛ ǝǟǝǣǠǝǙǛǥǔǡǝǝ ǝǝǘǝǚ

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141 ǝǟǝǝ ǝǢǝǚǠǡǚǗǗ ǝ2ǣ ǀ 25.

142 أǝǘ ǝǟǠǖǝǞǣ ǝǝǞǜǚ ǝǜǖǛǠǘǣ ǝǝǞǝǡǝǔǟǝǗǗǞǟǛ ǝǟǗǛǞǝǝǙǦ ǝ1 ǝ1995 ǀ 235.

143 أǝǘ ǝǟǠǖǝǞǣ ǝǟǠǗǛǡǝ ǝǣǥǢǦ ǝ ǀ 235.

144 ǝǠǝǟǚ ǝǕǟǝǝǗǝǠ ǝǝǡǔǘ 71.

145 ǝǟǝǝ ǝǢǝǚǠǡǚǗǗ ǝ2ǣ ǀ 37-39.

146 د. ǝǟǣǡǟǚǝ مرǝǡǗ ǝǞǝǤǝǝ ǀ 28.

åØŁ وgرǹǿå Ž بåزǯöåو رDZɟ lǚ äHıIÔہ ĘǂقơΌ ǿǺہ زDZرţå 8رÔäö ȓlǦǿå Ž Õöǽو ÛɃروǹǏ
ɟ ɹ ہǏرو‌عǂå ɜǂƤ ǵǥkاǧǏ رlǦǨǩ تǨزد ƃǵ ǿɗǩ ہǏترة من ǿǩǩǩد147 و Žǩ åØŁ يقǩز ǿmǩ ǯاǩȡ
ǩقرåŽ:"ɍ يǩزDZد ǩǵ ǩرlǦǨ ɍǫ و ǩǂǿ ǵǩ ! ǩǵlƃ"148 و åØŁ ما åǿǩǦǾ ǩǨǩ ǩǩǩ ǩÔǩ ǹlǩÒ !
ǩع وǩDZǩÛ ǩǂƳ ɳl ZDZǩǩ Ž ǩǩǿ ρ :((ǩƴl ɟɜǩǩǩ ǩالنياlǧ ǩǩƴl lÖÖ امرÙ ما ǩز?)).149
وåØŁ ɟ ɹ ǩöǩlǩţ åǩǩǩǩȴ Ž ǩǩرǩ ɟåǧkاǩǩ ǩǩǩlǩ على? lǩǩâ أ ɹ يكǩز åǩǩǩاب lǩÔہ ɼ
ǩǩǦǩǦ ǩǩǦǩ ǩǩǩǩ دǩǩǩǦ ǩǿǩرǩǿǩ وǩlǩ ǩǩǩ åØŁ عندما يǩǩǩ ǩǩǩqå من ɟɜǩƤ مقǩزما ğǩǩǩ ǩǩǩǩ
وǩǩǩǩ ǩǩدǩǩǩå يةǩǩǩǩ ǩǩǩ ووǩåǩǩå ƃǵ ǩǩǩå كتǩǩاب ǩǩǩǩǩå ǩǩǩǩǩ ǩ150 وåØŁ وǩǩǩ lţ ǩǩǩ Ž ǩǩzǩ
ǩǩǩǩ: [ǩǩ lǩǩ ǩǩǩǩ ǩǩǩǩǩ ǩǩǩǩǩ ! ǩǩǩ ǩǩǩ ǩلعالǩ]151.
- ɹǩ ǩǩǩ ɍ ǩǩǩǩǩǩ ǩǩǩǩǩ ǩǩǩǩ ǩǩǩǩ علǩǩ من ǩǩǩǩǩ ǩǩǩǩǩ اǩǩǩǩ ǩǩǩ ǩǩǩǩǩ ǩǩǩǩǩ ǩǩǩ ǩǩ ǩǩ
ǩǩǩǩ من ǩǩǩǩ كل من ǩǩǩ وǩǩروǩǩǩ ومرد ǩǩǩ åØŁ ǩǩǩǩ ǩǩǩ8 ǩǩǩǩǩ ǩǩǩǩ ǩǩǩ ǩǩǩ ǩǩǩ
من ǩǩǩ ǩǩǩǩ ǩǩ ǩǩǩǩ ǩǩǩǩ وǩǩǩǩǩ وǩǩ ما ǩǩǩǩ ǩǩǩǩǩ وǩǩǩǩǩ ǩǩ يكǩز ɟ ǩǩǩد ǩǩǩ على?
ǩǩǩ ǩǩǩǩǩ ǩǩǩ دعا ǩقد ǩǩǩǩ ǩǩ ƃǵ ǩǩǩǩ ǩǩǩǩ وǩǩǩǩ من ǩǩǩǩ وǩǩǩ وǩǩǩ ǩǩǩ ǩǩǩǩǩǩ
كاǩقد وǩǩǩǩ ǩǩǩǩǩǩ وعاǩǩ ǩǩǩǩǩ عǩǩ ǩǩ ǩǩǩ Ž ǩǩǩǩ :ǩǩǩ: [ǩǩǩ ǩǩǩǩ ǩǩǩǩ ǩǩǩǩ
[illegible]
ǩǩǩǩǩǩǩǩ]152 وǩǩǩǩ: [ǩǩ ǩǩǩ ǩǩ ǩǩǩǩ ǩǩǩǩ ǩǩǩ اسǩ ǩǩǩ ǩǩǩǩ]153. و ɍ ǩǩǩ ǩ أɹ
ǩǩǩǩ من شرǩ ǩǩǩǩ ǩǩǩǩǩǩ ǩǩǩǩǩ ƃǵ ǩǩǩǩ يد من ǩǩǩǩǩ ǩǩǩǩ أو ǩǩǩǩǩ ǩǩǩǩǩدية
وǩǩكن ǩǩǩǩاد ما من شǩǩǩ أɹ يتكاǩǩ على? ǩǩروǩǩ ǩǩǩǩǩǩǩǩ من مǩǩ ǩǩǩ ǩǩǩ ǩǩǩ ǩǩǩ ɍ ǩǩتǩ
ǩǩ ǩǩǩǩǩ ǩǩǩǩǩǩ وǩǩ ǩǩǩǩǩ ǩتقلة ǩǩǩǩǩ154.

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147 د. ǩǩǩǩ مرǩǩǩ ǩǩǩǩ î 37.

148 ǩǩǩروǩǩ Û1ǯ î 141.

149 ǩǩǩǩǩ ǩǩǩǩ ومǩǩǩ. كتاب ǩǩǩ ǩǩǩǩ ǩǩǩǩǩ Û1 ǯ î 9. ومǩǩǩ ǩǩǩǩ ǩǩǩǩ ǩǩǩǩ ǩǩǩ ǩǩǩǩ كتاب ǩǩǩǩ ǩǩǩ ǩǩǩ وترǩǩǩ ǩǩǩ ǩǩǩǩ ǩǩǩ اب ǩǩǩǩ ǩǩǩǩ ǩǩǩǩǩǩ Û1908 ǩǩǩ ǩǩǩو ǩǩǩ ǩǩǩكتاǩ ǩǩǩǩǩ Û1 ȓ Û1995 Û13ǯ î 46-47.

150 د. ǩǩǩǩ مرǩǩǩ ǩǩǩǩ î 49.

151 ǩǩǩǩ ǩǩǩǩ ǩǩǩية 162.

152 ǩǩǩǩ ǩǩقرǩ ǩǩية151.

153 ǩǩǩǩ ǩǩعلى ǩǩية14.

154 د. ǩǩǩǩ مرǩǩǩ ǩǩǩǩ î 54.

- أن [illegible] الدين [illegible] ومقدمة [illegible][155]. و[illegible]
[illegible]

[illegible] ومرعا[illegible] [illegible] شد [illegible]
[illegible] عند [illegible] عن مد؟ على [illegible] و[illegible] [illegible]
[illegible] على [illegible] أن [illegible]
[illegible] أن [illegible] و[illegible] على [illegible][156].

وعلى [illegible] علد [illegible] و[illegible] يقد [illegible] مرة [illegible]
[illegible] من [illegible] روية و[illegible] و[illegible] على [illegible] روية
[illegible] ما دو[illegible] و[illegible] الدين [illegible]
[illegible] و[illegible] أن [illegible] ما دو[illegible] وعلى [illegible]
[illegible] أن يرى؟ [illegible] من و[illegible] عد [illegible] روية وعلى
[illegible] الدين [illegible] ما [illegible] أو [illegible].

- [illegible] : [illegible] عند [illegible]:

[illegible] أن [illegible] ما [illegible] من [illegible]
[illegible] أن [illegible] عن [illegible] عد [illegible]
[illegible] عد [illegible] على [illegible]
[illegible] ما [illegible] و[illegible]
[illegible] و[illegible] كا[illegible] و[illegible]
أن [illegible] تقد [illegible] تقدر على [illegible] عد [illegible] كا [illegible]
أمر [illegible] وما [illegible] من [illegible] من [illegible] و[illegible]
و[illegible][157]. و[illegible] كا[illegible] تقدير [illegible] أو [illegible] يتقد [illegible] على
[illegible] من [illegible] أو [illegible] و[illegible]
تقدير و[illegible] كل [illegible] و[illegible] « [illegible] » و[illegible] من أكل [illegible]
[illegible]: "وقد [illegible] على [illegible] على [illegible] مـ[illegible] كا[illegible]

[155] د. [illegible] ص 55.

[156] د. [illegible] مرة [illegible] ص 56.

[157] [illegible] ص 28.

Ž åǨǯ ƾƔ٤ǹå åǽǺǖǹå âǖǀåå ɹǻ ÛǛǖǽ ɃرǖƖȘ åǾǖ ţƖƤqå ȼǛ ɹ أ ɟǕ ÛǖǻǖƐÊǀåو ȧƔǹɉå ǤǷǽ وتقدير ǖǶǤǖţå ǤǷǽ ǖǶƝǤǖŤǤ ǤǴǕǖǶ ǫǥǰ ÛǖǹǴǶ ǤǯǤǷ ǦǶǤǾ ǡǖǴ ǡǥ ǤǷǽ ǡǖǯǤǷǽ ǤǷǽ ǤǷǽ ǤǷǽ ǦǶǤǾ ǡǖǴ ǤǷǽ ǡǥ ǤǷǽ."[158]

ǤǴǖǖǶ ǢǥǖǶǤǾ ǤǶǤǷǽ ما ʡدɳ Ƀأ ÛǥدƖÊǖǖ من ȼǖ ǤǖƠ Ɩɳ ǖǶǤǷǽ ǽǤǥǤ ويقدǤ ʡ من يرʡ ǭǖǷǽ

ǪǤǥ [160]ǽǤǤǤأ ȢǽÊǖǤǖǖ ȼǤǖǕ ǢǤǤ ما åǾǤ. وǤ[159]ǤǷǽǖ ǤǤأ ȼǤ ǤǖǤ ǤǤ ǤǤ ǤǤǤ ƷÛǤǤ ȼÊǤǤ

ƘǤ ǤوǤأ ȼǤ ǤǤǤǤ وǤǤǤ ǤدǤÊǖǖ أǤǤǤ ǤǤǤǤ من ǤǤǤ ǤǤ" :ǤǤǤǤ عن ǤǤǤǤ ǤǤǤǤ Ž ǤǤ يǤǤ

ǖǤǤǤǤ [161]"ţƖÛǤǤ دور ʡǤÊǤ ǤǤǤ وǤǤǤǤ وكرǤǤ وشǤǤ ǤǤǤǤ كل أǤǤ ǽǤ Û…ȼǤǤǤ

ÛǥدƖǤÊǖǖ ȼǤ ǤǤǤ Ɩɳ ȢǤǤǤǤ كل ǤǤǤ من ǤǤǤǤ ǤǤ ǤǤǤǤ ǤǤǤ ǤǤ ǢǤǤǤǤ ǤǤǤ ǢÊǤ ǖǶǤǷǽ

ƖǤأ ʡǤǤǤ ǤǤǤǤ ǤǤ ǤǤǤǤ ȼǤ ǤǤǤǤ ǤǤ ȢǤǤǤ ǤǤية ǤǤ ǤǤأماǤ ǤǤǤǤ ǤǤǤ ǤǤǤ ما يǤǤ ǤǤǤ وǤǤ

ǤǤǤ ǤǤǤǤǤ ǤǤǤ ɹɉ .[162]ǤدǤǤÊǖǖ ǤǤاية ǤǤǤǤ وǤǤدية ǤǤǤ ǤǤǤǤ ǤǤǤǤ ǤǤǤ ǤǤǤ وأǤǤب ǤǤǤ ǤǤǤ

ǤǤǤ Ɩ ǤǤ ǤǤǤ. وǤǤ ǤǤǤǤ ǤǤǤǤ ȼǤ ǤǤǤ ǤǤ ǤǤǤǤ ƷÛǤǤ Ǥǉ ǢǤǤ أو ǤǤǤǤ ǤǤ ǤǤǤ كل ȢǤǤ

.[163]ǤǤǤǤ ȢǽÊǤǤǤǤ ǪǤدǤǤǤ ǤǤǤǤ ǤǤǤǤ من ǢǤǤǤǤ

ÛâƖÊǤ ǤǤكل ǤǤ ɃǤǤǤǤǤ ţǽǤǤ ǤدǤǤ ƎƸأ ȼǤǤÊǤ Ɩɳ ƖǤ تقدير ƁǤ ɹروǤǤ ǢǤǤ ǤǤǤ

ƘǤǤوǤ ÛأǤǤǤ ǖǶǤǷǽ ǤǤǤǤ ǤǤǤ ɃǾǤو Û[164]ǖǶǤǷǽ ǢǤǤǤ ǤǤǤ ȼǤعǤ ǤǤǤǤ ɃǾǤǤ ǢǤǤǤǤ ǽǤ وǤ

[166]ǤǤǤǤ ʡǤǤ Û[165]ǤǤاية ǤǤǤǤǤ ǖǶǤǷǽوǤردية ǤǤǤǤ ǖǶǤǷǽ Ƙǉ ȧƖǤǤǤǤ وǤǤǤ ǤǤǤǤǤ ǤدǤǤÊǖǖ من ǛÊǤ ƎƸأ

أو ǨǤ ǤǤأو ǤǤǤǤ أو ǤدǤǤ ǤǤǤ ǤǤǤǤ ǤǤǤ ǤǤǤǤ ǤǤ ǤǤǤǤ ǤǤ ǖǶǤǷǽ ɹأ ǢǤǤǤǤ ǤǤǤ ǤǤǤب من أǤǤ وǤ

ǤǤÊǤǤǤ âǤǤǤ أو ǤǤǤǤ أو Ǥǉ أو ǤǤǤǤ من ǤدǤǤÊǤǤ ǤǤǤ ǤǤǤǤ ǤǤ ǤǤǤǤ ǤǤǤǤ أو ÛǤدǤǤ

[158] أǤǤر: د. ǤǤǤǤǤ ÛǤǤǤǤǤ ÛǤǤǤǤǤǤ ǤǤǤ Û29 ǤǤǤ عن ǤǤǤǤ ǤǤǤǤ ǤǤǤǤǤ ترǤǤ ǤǤǤ ǤǤǤǤ ǤǤǤǤ.

[159] د. ÛǤǤǤǤ ǤǤǤǤǤ ÛǤǤǤǤ ǤǤ 31.

[160] ǤǤǤǤǤ: (341-270 ǤǤǤ) ǤǤǤǤǤ مادǤ ɃǤǤ وǤǤǤ من ǤǤǤǤǤ ÛǤǤǤǤ ɹǤ كǤ يǤكر تدǤǤ ǤǤǤǤ Ž شǤوǤ ɹǤǤǤ ǤǤǤǤǤ ويǤǤǤǤ

من ǤعترǤǤ ȢǤǤǤǤ ǤǤǤǤǤ ǤǤǤ ǤǤǤ ǤǤǤǤ ǤǤ ǤǤǤǤ ǤǤǤǤǤ ǤǤǤǤǤ ǤǤǤǤ. أǤǤر: ǤǤǤǤǤǤǤ ǤǤǤǤǤǤǤ ÛǤǤ ǤǤ من ǤǤǤ ǤǤǤǤǤ وǤكادǤǤǤ ƘǤǤǤ

ǤǤǤǤǤǤ. ترǤǤ: ƘǤ كرǤǤ ÛǤوǤǤǤ ǤǤ ǤǤǤ ÛǤǤǤǤǤǤ Û1981 Û 8.

[161] أǤǤر: د. عǤǤ ǤǤǤǤǤ ǤǤدو ÛǤǤǤǤǤ ǤǤرية ǤǤǤǤǤǤ ÛǤǤǤǤǤ وكاǤǤǤ ÛǤعǤǤǤǤ Û2ǤǤ Û1976 Û 242.

[162] د. ÛǤǤǤǤ ǤǤمرǤ ǤǤǤǤ ǤǤ 31.

[163] ǤǤǤǤ ǤǤǤǤǤ: (1679-1588) ǤǤǤǤ مادǤ ǤǤǤǤ ǤǤǤǤǤǤǤ ǤǤǤǤ ǤǤǤǤǤ ǤǤǤǤ ɹǤقǤǤ ǤǤǤǤǤ ǤǤ عǤǤر ǤǤǤǤǤǤ ǤǤǤǤǤ ǤǤǤية.

مǤǤǤǤ ǤǤǤǤǤǤ ɹǤǤ :ǤǤ "Ž ǤǤديǤǤǤ"و Û"ǤǤǤǤǤ ǤǤǤǤ". أǤǤر: ǤǤǤǤǤǤ ǤǤǤǤǤǤ Û 563.

[164] د. ÛǤǤǤǤ ǤǤمرǤ ǤǤǤǤ ǤǤ 31.

[165] د. ǤǤ ǤǤǤǤ ǤǤǤǤǤ ÛǤǤǤǤǤǤ ÛǤوǤǤ ǤǤ ǤǤǤǤكتاب ÛǤǤǤǤ Û1979 Û2ǤǤ Û 500.

[166] ǤǤǤǤǤǤ ǤǤǤǤ: (1748- 1832) ǤǤǤǤǤ ǤǤǤǤǤ ǤǤǤǤǤ وكاǤǤ Ž ǤǤǤǤǤǤ ɹǤǤǤǤ مǤǤǤǤ ǤǤǤǤǤǤǤ ǤǤǤ ǽǤ علǤ ǤǤ ǤǤǤǤǤǤ أو علǤ

ǤǤǤǤǤ. أǤǤر: ǤǤǤǤǤǤ ǤǤǤǤǤǤǤ Û 89.

[illegible] أو شر [illegible] عل [illegible] وعل [illegible].[167] [illegible] من [illegible].[168]

ويق [illegible][169] [illegible] من [illegible] أو [illegible] علی [illegible] ويقد [illegible] مادية [illegible] من [illegible][170] [illegible] كل [illegible] أو [illegible] كل [illegible] أ [illegible].[171]

و [illegible] علی [illegible] تقد [illegible] تقدو [illegible] أو [illegible] علی [illegible] مردة [illegible] وترت [illegible].

وعل [illegible] علی [illegible] أو [illegible] علی [illegible] كاية [illegible] ويكن [illegible] يل [illegible]:[172]

- أ [illegible] يق [illegible] دود [illegible] عد [illegible] ما كا [illegible] يرو [illegible] عد [illegible] ما [illegible] علی [illegible] شا [illegible].

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[167] د. [illegible] 247-248.

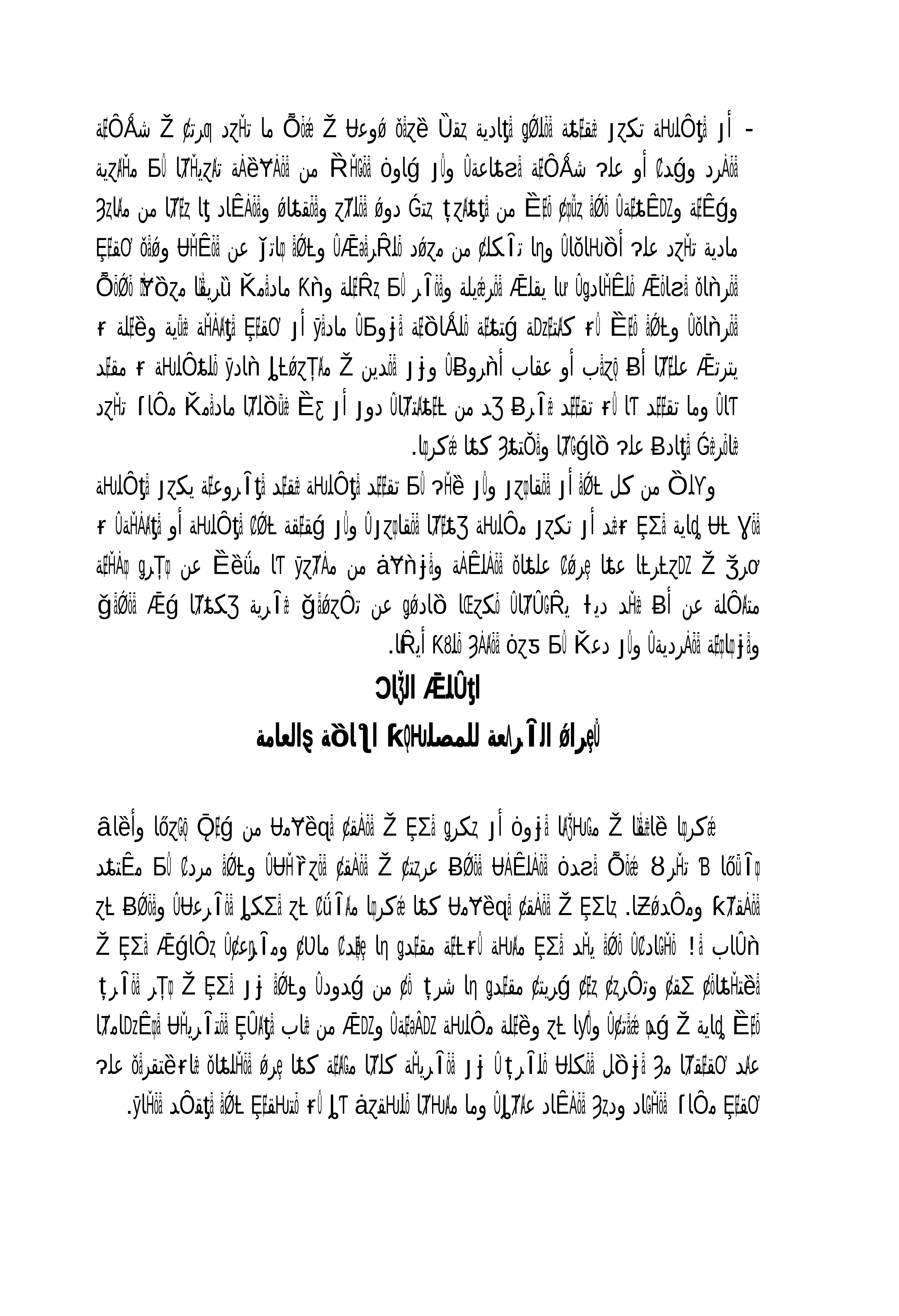
[168] د. [illegible] 29.

[169] [illegible] (1803-1973) [illegible] من [illegible] 518.

[170] د. [illegible] 500.

[171] د. [illegible] 247-248.

[172] [illegible] د. [illegible] 33 [illegible] 43.



وåØŁ ما ęرǿØ ĀqمايÿåÖÎlùFـ :ǿĀٌقـ "Ů ُو Ǹr ŗÎåÖŗ Ÿ ľ ŁŻ ÖÔlſ åÖǦlدا Ž åÖǦlǸŁDŽل

وåǿDŽل مـǸl"[173]Û ويقǾąمايÿåÖ قش ǩـŁ åيةǾŹàـ: "åÖÎيرǸا ǾlAŁl وأèlèlŁŁ على ?åΣكـǩـ ومـÔlſ

åÖǦlدا Ž åŢǸlê وادǸlŁ وعدة كلاŁ وǿøþـة كلاŁ وǿكǩŁـة كلاŁ"[174].

ويŢŁ رŀ تقدǿǿـ åÖÎيرǸا ÖǾلŁĘ Łǿ أÖـÅق على ÖlǿǦlǿ عـد åÖèǸŁlǿǿ من مـÊÚوǿŁـا أمايǿـ ! Âع

وǾDŽل وأمايÿ ĎKǿ من åÖǦlدا ÛåÖÛŁ من دǿÖـ ǿريǿتـ ƞl ƺǿŗ åÖj Ǹr åǿØ عن ĎKǿ[175]Û وŢŁ رŀ åØŁ Ž ęŽǿÖ

:Ǹlأ [Ŝǿǿ ÅيانسانÂåÖمـنا ǿùùǿـ Ž ŗǿÖǿ[176]Û ŗǿŽǿ: [ـǿǿ ŗمـÖ ÖlĚŁ ǿمؤيـلǿ ǩـمـþ اسǿǿ

[ŁǿيـعلŁ[177]Û ĎK أĻ åØŁ åÖǿèǿتـ ـǾǿÖا رǿÖǿ ÈǸÂǿÖ عن åÖǿǿـاعة åÖǿ يرǿتـ ÙǸlǿ Ž مـǸlشـǿ åǿØǿǦlǿÛ

ǿـØǿ على åÖØـ وقǿK ƞl ǩـǸŽـ Ŗǿǿǿ على åÖǿÔlſ åÖǸlÿÛ عـǿǿ قـǿǿ: ŗǸl: [ŝǿlǿŗǿŜ ǿǿǿ ŀǸl

ŝǿǿǿ ǿǿ ŀǿǩǿŝǿlǿ ǿǿ ǿǿ ŗǸl ǿǿ ŻǿÛ عدŝلاŝ[178] ǾǿǿŁ Ž åÖǿǿǿŗ åÖÎيرǸا åÖǿèǿمـǿǿ كǿǿ ǿ مـتقلÊ

عن أǿرǿǿǿ ومن ǿǿ åǿΣǾàǿ ما ǿǿردÛǿ ǩـǿǿ ǾǿǦ åǿǩـǿ على ?åÖǿـرد ŀǸlي ǾǿÔlΣǿ ǿǿ ŎǿǿÔlǿ

ما مـǿǦ من ǾǩǿàǾ[179]. ĻǿŁ ǿ åÖǿǿǿ ǿåÖèǿمـǿŁ ـتǸlÎيرǿǿ åÖǿÖÔlǿـǿǿ أو مـÔlǿǿ åÖǸlǿǿ امـة ǿǿǿǿÖـاعة

كǿǿـǿǿ ǿǿÔlǿǿ åÖǿرد وǿǿŁ مردǿ أ ǿ åÖÎيرǿǿ åÖǿèǿمـǿŁ من ǿǸǿ ǿ رǿ åÖǿǿ ǿǿ ǿǿÎيرǸlǿ ـǿǿ ǿǿ

كǿǿ ǿ مـتقلÊ لـلقǿǿǿ ومـÔlΣǿǿ وǿكن ǿǸlǿ ǿǿكǿåÛ ǿǿ ـǿǿ Ž ǿǿǿ ǿǿǿǿ åÖǿǿǿǿ åÖǿǿǿǿـاعـة.

كǿǿ أǿǿ ǿ ǿǸǿ ǿǿǿǿǿ ǿǿ أو åÖǿǿـاعة ǿǿǿ ǿǿÎيرǿǿ ǿǿǿǿ ǿǿ åÖǿǿǿǿ كǿǿǿ ǿ مـتقلÊ ǿرǿǿ?

مـǿÔlǿǿǿǿ ـاعـǿǿǿǿ مـÔlǿǿǿǿ ǿǿǿǿǿريـǿǿ وǿǿǿǿ ǿǿ ǿǿ مـÔlǿǿǿǿرد ǿǿǿ رǿأ عـد ǿǿǿǿǿ ô

تقدǿ åÖǿÔlǿ ÛåÖǸlامـة يقǾǿ åÖمايǿ åÖÎيرǿ: "åÖǿÔlǿ امـة مقدمة على ?åÖǿÔlǿ Ûǿǿǿǿ ـǿǿǿǿ

ǿǿǿǿ عن تلقǿǿ åÖǿǿǿ وعن ǿǿǿ ǿǿǿ ǿرǿدǿǿ..."[180] وعلǿǿ ǿǿǿ ǿǿÎيرǿǿ ǿǿǿǿ Ž ǿǿǿǿ åÖǿèǿمـǿǿ

يǿǿǿ من ǿǿǿ مرǿǿاعـǿǿ ǿǿǿǿǿǿǿ ǿǿǿǿǿ مـǿدوǿǿǿ ǿرǿǿاعـǿǿ ǿǿǿǿǿǿǿǿ ǿǿǿǿǿ رد وǿǿǿǿǿǿ امـة

ǿǿǿǿاعـة وكل åǿǿ ǿǿشـǿǿǿ عن ǿǿǿاية ǿǿدوǿǿǿ ǿǿǿǿǿ ǿǿǿǿǿǿ ǿǿǿ تدوǿ ǿǿǿ ǿǿǿ ǿǿǿǿǿǿǿǿǿǿ

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[173] .6 ǿ ǿǿ ǿǿǿǿǿ
[174] .3 ǿ ǿǿ ǿǿǿǿǿ
[175] ǿǿǿ: د. ǿǿǿ ǿǿǿǿ مرǿǿǿǿǿǿ .74 ǿ
[176] ǿǿǿ ǿǿǿǿǿ ǿيةǿ13.
[177] ǿǿǿ ǿǿǿǿ ǿيةǿ46.
[178] ǿǿǿ ǿǿǿǿǿ ǿيةǿ2.
[179] د. ǿǿǿ ǿǿǿǿǿ ǿǿǿǿǿǿ .75 ǿ
[180] .350 ǿ ǿǿ ǿǿǿǿǿ

وȹȾ ǟȂǐȂǞȲȢǠ ǟȂǐȂǞȲȢǠ ȅȹǞȲȵǟȵȢǠ ȅȶȲǰȲ ǟȅ ǠȜǻȥǞǍȲ ǪǞȅ ǟȂǐȂǞȲȢǠ ȹǼǍǞȳ ȶǟ ǠȲȮǞǴȲǠ ǟȁǞȲȢǠ ȅǩȍȲǠ. [181] ǟȂǐȂǞȲȢǠ ȅǼǪǠ.

وȵȹȲ أكد لȹǟ علی مرǠعاȨ ǻȹȾǍȶȳǠ ȆȂǞǼǍȲǠ ȹǞǐǠȂǞȲȢǠ ȅȹǞȲȵǟȵȢǠ ȅȶȲǰ ǟȅ ȹǠǘǍ وǠعترǠǊǼǞǠǐǭȹǠ. وǠعǠȲǟǳȹȽȁ ȹǞ ǟȂǟǕȁ ǻȁȢȂǼǞȲ ȥǼ ȅȹǟǞȊǞǠȁǠǞȹǼǠȾ دȲȶǓȁȲǰ ǟȂǐȂǞȲȢǠ ȜǠȶȲ ȳȂǼǞȲȢǠ ȅȹǞȲȵǟȵȢǠ ȶǞǐǞǭ ȜǞǶǞǭǠǞȲǟ ȅȹǟǞȊǞǠȁǠǞȹǼǠȾ علی ȵȹȲǰǞȢȁ ǟȂǐȂǞȲȢǠ. [182]

وȾǘȲ ملكȢǞ ȅȶǠȲǞǼǠǗ ȆǍǞǐǠȂǞȲȢǠ ȹǞ ȅȹǞȲȵǟȵȢǠ ȅȶȲǰǞȢǠȲǠ أن ȆȵǞǍǠȡȲǠ ǟȅ أȹǞǞȢǞǠȁǠǞȹǼǠȾ. أما ȹǞǐǠȂǞȲȢǠ فقد ǷǞȂǞȲǠ ȅǼǪǠ ȶǞǐǞǭ ȹǞ ȅȹǞȲȵǟȵȢǠ ȅȶȲǰǞȢǠȲǠ أن ȆȵǞǍǠȡȲǠ ǟȅ أن ȢȱǠȁǠǞȹǼǠȾ شȹǞǞȢǞ ǟȅȹǠǘǍȳȢǠ ǟȂǐȂǞȲȢǠ وǼȹǠȂǼǞǼȳ ȅȲȲǞǧȂǞǼȲǠ ȅȹȵȲǟǣǞǼȲǠ يد ȹǟ أمرȹȾǠǘǍǳȹǞǍȲȦǟ ǩȢǞǘǼǞǠǟ تقȨǞȶǞǐ. [183] ǟȂǐȂǞȲȢǠ فقد ǷǞǞȂȲȦǟ ȹǟ ȆȳǠǞǐȢǞ ǟȂǟǘȁǞȲȢǠ علی ǞǩǞȶǢǞǼǠǘȂǞǐ ǟȂǐȂǞȲȢǠ: "ǟȂǐȂǞȲȢǠ ȂǞǐȹǞ ȅǼǪǠ ȆȵǞǍǠȡȲǠ ǟȅ ȹǞȵǞȵǞȢǞ يكن ȲǞǞǭ ȆǍǞǐǠȂǞȲȢǠ ȹǞ ǟȂǞȲǞȢǠ شرȹǠȶǞǐ ȲȹȡǞǐ ǟȅ ǞǟȢǞǐǞǧǠ". [184]

وكǠǘȁǞǴǞ ما ǟȵȢǠȂǞǐȮ من ǟȂǞǐǞǼǠǐǠȲǞȢǠ ǟȅ ǞǟȲǠȂǞǐȢǞ ȶǞǐǞǼǞ ȹǞ ǟȂǐȂǞȲȢǠ ȅȹǟǞȊǞǠȁǠǞȹǼǠȾ علی ȵȹȲǞȢǞ ȹǞ ȅȹǞȲȵǟȵȢǠ ȅȹǞȲȵǟȵȢǠ باب ǗǞǐ ȳǞȽ ȹȾȶǞȲǞǟȲǠ علی ǟȂǐȂǞȲȢǠ ȅȶǞǐǞǭǠǞȲǟ ȹǞ ȆǍǞǟǐǞǼȲǠ يد ǞǻǞȳǞǐǞȲ ǟȅ ȂǞǏȜǞǐǞȲǠ ȂǞǐȂǞǼǞ ȂǞǐȂǞǐǠ أȂǞǐǞǐ. ǟȂǞǐȂǞȲȢǠ ǟȂǐȂǞȲȢǠ علی ǞǐǞǼǞ ǟȂǐȂǞȲȢǠ ǟȂǐȂǞȲȢǠ علی حدود ǞǼǞǐǞ ȳǞȶǞǐǞǐǞǍǠ ȅȹǞǞȲǞȵǞǼǞǐǠ ǟȂǐǞ ǟȂǐȂǞȲȢǠ ȹǞ مة ǞǐǞȢǞ من ǟǞǐȂǞǐȂǞǐ ȵǞǐ وǞ ǞǐǞǐ ǟȂǐȂǞȲȢǠ عǞǐ ǟȂǐȂǞȲȢǠ: "وǞǐǞǐǞ ǟȅ ǟȂǐȂǞǐǠ ما ǞǐǞǐ دون ǞǐǞǐǠȂǞǐǞ من ȅȶǠǐǞȲǞȢǠ ǞǐǞǐ ǟȂǐ ǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐǞ ǞǐǞǐǞǐ دودǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ أمر ǞǐǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ علǞǐǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ مكȢǞ أو ȆǞǐǞǐ شرǞǐ ǞǐǞǐ ! ǞǐǞǐǞǐ ǟȅ دود ما ǞǐǞǐǞǐ ǞǐǞǐǞǐ أن تكǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ علی ما ǞǐǞǐǞǐ من ǞǐǞǐǞǐ...ومن ǞǐǞǐǞǐ شرȢǞ أن علی وǞǐ ǞǐǞǐ أمر ǞǐǞǐǞǐ دǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ علی ǞǐǞǐǞǐ من ǞǐǞǐǞǐ ما يرǞǐ ǟȅ أن ǞǐǞǐǞǐ علی ǞǐǞǐǞǐ ǞǐǞǐǞǐ ما يرǞǐ أن ǟȅ ǞǐǞǐǞǐ دǞǐ ǞǐǞǐǞǐ أو ǞǐǞǐǞǐ ǞǐǞǐǞǐ "[185] وǞǐǞǐ ǞǐǞǐ علی مدǞǐ تقدير ǞǐǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ أو ǞǐǞǐǞǐ ǞǐǞǐǞǐ علی ǞǐǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ باǞǐǞǐ ! ǞǐǞǐǞǐ من

[181] د. ǞǐǞǐǞǐ مرǞǐǞǐ، ص 148.

[182] أǞǐǞǐ: ǞǐǞǐǞǐ وǞǐǞǐǞǐ ǞǐǞǐǞǐ، ǞǐǞǐǞǐ، ط 1، 1988، ج 1، ص 404.

[183] د. وǞǐǞǐǞǐ ǞǐǞǐǞǐ وأدǞǐǞǐǞǐ، ǞǐǞǐǞǐ، ط 1، 1991، ج 4، ص 506.

[184] أǞǐǞǐ: ǞǐǞǐǞǐ علی ǞǐǞǐǞǐ، ǞǐǞǐǞǐ ǞǐǞǐǞǐ، ج 1، ص 487. وǞǐǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ، ǞǐǞǐǞǐ، ط 1، 1994، ج 3، ص 62.

[185] علǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ ǞǐǞǐǞǐ مرǞǐǞǐ، ص 39.

[illegible] من أكل [illegible] من كل [illegible] و[illegible] [illegible]
كان [illegible] [illegible] و[illegible] يكن [illegible] من
[illegible] على [illegible] ويق[illegible]: "[illegible]"[186].

[illegible]

[illegible]

[illegible] من [illegible] و[illegible]
على [illegible] وي[illegible] على [illegible] ومد[illegible] يد[illegible]
[illegible] من كل [illegible] و[illegible]
[illegible] من [illegible] و[illegible] و[illegible]
[illegible] من و[illegible] أو [illegible] من و[illegible] ومرد [illegible]
[illegible] من [illegible] [illegible]
[illegible] على [illegible] تكن [illegible]
[illegible] ي[illegible] أو [illegible] يكن [illegible]
[illegible] أو [illegible] من [illegible] على [illegible] أو [illegible]
[illegible] و[illegible] أو [illegible] مر[illegible] أمكن [illegible] أو [illegible]
[illegible] على [illegible][187] [illegible] من [illegible]
[illegible] من [illegible] تق[illegible] من [illegible] وي[illegible]
[illegible] و[illegible] وأ[illegible] من [illegible] و[illegible]
[illegible] كل [illegible].

- [illegible] : [illegible] : وي[illegible] من [illegible] على علل
[illegible] وتق[illegible] [illegible]

[186] [illegible] 66-67.

[187] د. [illegible] 149.

[illegible] مه [illegible] ماله وعر [illegible] بكل أمر أو
[illegible] يقلد [illegible] برد من [illegible] بروة [illegible] مه [illegible] برد [illegible] أمر و[illegible] يقد [illegible]
[illegible] ية [illegible][188] و[illegible] ما دن على [illegible]: (([illegible]))
[illegible](([illegible]))[189] بكل أعتدة على [illegible] و[illegible] كار [illegible] من ش[illegible] [illegible] كر
[illegible] دية.

يق[illegible]: "[illegible] على شرع"[190] [illegible] كار [illegible] برة [illegible] اعة.

و[illegible] كل [illegible]: (([illegible]))[191] و[illegible] شرع [illegible]
[illegible] فترة [illegible] بدية [illegible] من [illegible] مه [illegible] بكت[illegible] من [illegible]
متزد متاب [illegible] كل برد [illegible] ود[illegible] اد[illegible]
و[illegible] قفة [illegible] بكرو [illegible] عن مه [illegible] أو
[illegible] ردية و[illegible][192] و[illegible] يكد [illegible] مه و[illegible]
[illegible] ترة [illegible] رية [illegible] و[illegible] ترة [illegible] و[illegible]
و[illegible] و[illegible]: [[illegible]][193] و[illegible]: [[illegible] !! [illegible]] امر
العدة [illegible]سان][194].

[illegible] من [illegible] على [illegible]
[illegible] ريه [illegible] باب [illegible] و[illegible] برد و[illegible] كار
تا[illegible] مدا [illegible] رية [illegible] مرة [illegible] و[illegible] ية كها [illegible]
و[illegible] كا [illegible] و[illegible] برة على [illegible] و[illegible] على [illegible]
و[illegible] على [illegible] تقد [illegible]: (([illegible] سم على [illegible]))

[188] د. [illegible] مر[illegible] ص 88.
[189] [illegible] كتاب [illegible] باب [illegible] 2564 [illegible] 16 ص 98.
[190] [illegible] 2 ص 322.
[191] [illegible] على: د. [illegible] كتاب [illegible] باب [illegible] 2895 [illegible] 2 ط 1993 [illegible] 2 ص 467.
[192] د. [illegible] مر[illegible] ص 92.
[193] [illegible] ية 237.
[194] [illegible] ية 90.

يا [illegible] ما [illegible] يدل [illegible] من [illegible] ومر على [illegible] .[195]((‏[illegible]

[illegible] يا [illegible] ((‏[illegible]))

[illegible] وعن [illegible] [196]((‏[illegible])) [illegible] ((‏[illegible])) [197] وكل [illegible]

[illegible] ما [illegible] كان [illegible]

[illegible] ومن [illegible] تعد [illegible] يعتقد [illegible]

عند [illegible] ترد [illegible] عند [illegible]

شرع [illegible] وكل [illegible]

[illegible] من تلقاء [illegible] ويترك [illegible]

[illegible] كان [illegible]

[illegible] ترى على [illegible] : "و [illegible] ملتقى [illegible]

: [illegible] ويكرر [illegible] على كان [illegible]

.[198]" ((‏[illegible]))

- ثانيا: [illegible]:

[illegible] من [illegible]

[illegible] وكذا [illegible]

[illegible] على [illegible] كان [illegible] على وعلى [illegible]

[illegible] عامة [illegible] على [illegible]

[illegible] على [illegible] من [illegible]

[illegible] من [illegible]

[199][illegible] من [illegible]

[illegible]

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[195] [illegible] كتاب [illegible] على [illegible] 1413 [illegible] 9 [illegible] 170.

[196] [illegible] كتاب [illegible] من [illegible] 102 [illegible] 2 [illegible] 93.

[197] [illegible] كتاب [illegible] 1605 [illegible] 11 [illegible] 36. وأخرجه أبو داود [illegible] كتاب [illegible] عن [illegible] 4882 [illegible] 1 [illegible] 1992 [illegible] 4 [illegible] 272.

[198] [illegible] 2 [illegible] 1981 [illegible] 123.

[199] [illegible] 107.

عند [illegible] يتين [illegible] تلقائيا [illegible]. و[illegible] – [illegible] – [illegible]

[illegible] على [illegible] كا[illegible] [illegible]:

[[illegible]][200] [illegible] كا[illegible] أو [illegible]

كا[illegible] [illegible] كل [illegible] من [illegible] وكا[illegible] [illegible]

[illegible] على [illegible]

وت[illegible][201] [illegible] من [illegible] تقد [illegible] :(([illegible]

[illegible] ما [illegible]))[202] [illegible] يدي [illegible] أ [illegible] على [illegible] .و[illegible]

أكد [illegible] على [illegible] يرت[illegible] [illegible] و[illegible] من [illegible]

[illegible] و[illegible] أو[illegible] على [illegible] و[illegible] [illegible] على [illegible]

[illegible] :[[illegible]][203] وعلى [illegible]

[illegible] على [illegible] من [illegible] مقت[illegible] و[illegible]

[illegible] على [illegible] دعا [illegible][204]

و[illegible] من [illegible] ماديا كان أو [illegible]

[illegible] على [illegible] وي[illegible] كان [illegible] عن [illegible] و[illegible] [illegible]

[illegible] كتلة [illegible] و[illegible] [illegible]

[illegible] من [illegible] من [illegible] و[illegible]

[illegible] على [illegible] .[illegible]

[illegible] كان [illegible] و[illegible]

[illegible] ما [illegible] من [illegible]

كان [illegible] أو [illegible]

[illegible] .[illegible]

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[200] [illegible] 10.

[201] د. [illegible] مر[illegible] [illegible] 227.

[202] [illegible] كتاب [illegible] 7[illegible] [illegible] 13[illegible] 1[illegible] 56. وأ[illegible] كتاب [illegible] 17[illegible] [illegible] 45[illegible] 2[illegible] 15.

[203] [illegible] 2.

[204] د. [illegible] مر[illegible] [illegible] 229.

و ǥǿǽǻتǬǮقǬǻ ǟǡǩيرǤ ǽǻǿǼǧ Ž ǽǟǡǴ Ž ǽǟǡ ǦǨǧ من ǝǟǡ ǽǻǿǼǧ وǾǭǻ ǼǵǻǾǥǨ ǽǝǡǫ ǥǮǡǟ
Ž ǽǟǡǴ 8رÔǥǫ ǭǵ ǽǻǿǼǧ دور ǽǻǿǼǧ Ǳǡǫ ǝǡǯǧ وǥǡدو ǝǡǱǡǫ وكل ǝǬǼ دǡǫǡǩ ǽǟǡǴ.[205]

وǟǡǩ ǧǡǴ مǥǡدǡǫ ǝǠǡǢǡǩ ǽǻǿǼǧ ǡǣǡǫ كǢǡǫ ما تتقǣǡǩ ǡǡǫ ǽǻǿǼǧ ǝǡǫردية عǡǩ
ǽǻǿǼǧ وǣكل ǝǡǡǫ وǡǫ ǡǡǫ ǽǻǿǼǧ ǟǡǫ مǡǫ ǡǡǫ ǽǻǿǼǧ ǣرǡعǡǫ ǡǫ ǽǻǿǼǧ
ومǽǻǿǼǧ ǝǫǡǩ Ž كل ǝǫ ǽǻǿǼǧ ǡǫ علǡ ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ
ǽǻǿǼǧ ǽǻǿǼǧ دور ǽǻǿǼǧ شǡ Ž ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ دعǡ ǽǻǿǼǧ
من ǽǻǿǼǧ ǡǫرǡǫ وǡǫ كǡǫ ǽǻǿǼǧ ǡǫ رǡǫ ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ لقǡǫ و تقر
ǽǻǿǼǧ علǡ ǽǻǿǼǧ و أǡ ǽǻǿǼǧ.[206]

- ثالثǡ : مǡدǡ العدة:

ǽǻǿǼǧ مǡدǡ علǡ ǽǻǿǼǧ تǡتقر ǽǻǿǼǧ وǡرǡǫ ǽǻǿǼǧ ǡǫ Ž ǽǻǿǼǧ تǡرǡǫ
وǡǫر علǡ ǽǻǿǼǧ وتǡǫ ǽǻǿǼǧ ǡǫ شǡǫ وتǡ ǡǫ ǽǻǿǼǧ وǡقدǡ ǽǻǿǼǧ ودǡǫ ǽǻǿǼǧ ǽǻǿǼǧ
ǽǻǿǼǧ أو ǽǻǿǼǧ وǡǫدǡǫ ǽǻǿǼǧ ما ǡǫ ǡǫتل. وǡǫ ǽǻǿǼǧ ǡǫرǡǫ ǽǻǿǼǧ ǡǫǡǫدǡǫ ǽǻǿǼǧ
وǡǫتقرǡǫ ǽǻǿǼǧ Ž ǽǻǿǼǧ تقدǡ أوǡǫ ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ Ž ǽǻǿǼǧ : [**ǡǫ !! الǡمر**
ǡǫالعدة ǡǫسان][207] وǡǫ: [**ǡǫ !! الǡمرǡǫ ǡǫ ǽǻǿǼǧ ǡǫمانǡǫ ǽǻǿǼǧ ǡǫ ǽǻǿǼǧ**
الثاǡ ǡǫ مǡǫ ǡǫالعدة][208]. ǡǫ أǡǫ مǽǻǿǼǧ ǽǻǿǼǧ Ž ǽǻǿǼǧ ǡǫرǡǫ ǽǻǿǼǧ ǽǻǿǼǧ ǡǫدǡǫ ومǡǫقا
يقǡǫد ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ Ž ǽǻǿǼǧ. ǡǫ Ž ǽǻǿǼǧ ǡǫريا وǡǫتǡǫ ǽǻǿǼǧ ǡǫ ǽǻǿǼǧ
وǡǫ ǽǻǿǼǧ يتǡǫاو أمامǡǫ ǽǻǿǼǧ وǡǫكǡǫ أو ǽǻǿǼǧ ǽǻǿǼǧ تكاǡǫ رǡǫ ǽǻǿǼǧ أǡǫرǡǫ
ǽǻǿǼǧ ǽǻǿǼǧ عǡǫ كرǡǫ ǡǫ مǡǫ Ž عن ǽǻǿǼǧ ǽǻǿǼǧ كل شǡǫ ǽǻǿǼǧ رǡǫ و
من كل شǡǫ. يقǡǫ ǽǻǿǼǧ مǡǫ: "تقدǡǫ ǽǻǿǼǧ شرعǡǫ من ǽǻǿǼǧ رǡǫ أǡǫ مقǡǫدǡǫ
ǡǫمة ǽǻǿǼǧ ǽǻǿǼǧ عǡǫدǡǫ وǡǫ ǽǻǿǼǧ ǽǻǿǼǧ ǡǫرǡǫ ǽǻǿǼǧ ǽǻǿǼǧ وǡǫ ǽǻǿǼǧ من ǡǫدين
وǡǫ ǽǻǿǼǧ".[209]

وǡǫ ǽǻǿǼǧ مǡǫ ǽǻǿǼǧ ǡǫرǡǫ ǽǻǿǼǧ أمر ǽǻǿǼǧ تدǡǫ Ž شǡǫو ǽǻǿǼǧ مǡǫ ǽǻǿǼǧ ǡǫمة
ǡǫ ǽǻǿǼǧ ǽǻǿǼǧ ǡǫ مǡǫ ǡǫ ǡǫ ǽǻǿǼǧ ǽǻǿǼǧ أمر ǽǻǿǼǧ ǽǻǿǼǧ تقاعǡǫ علǡ

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[205] د. ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ ص 233.

[206] د. ǽǻǿǼǧ عǡǫ ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ مرǽǻǿǼǧ ǽǻǿǼǧ ص 273.

[207] ǽǻǿǼǧ ǽǻǿǼǧ ǡǫية90.

[208] ǽǻǿǼǧ ǽǻǿǼǧ ǡǫية 58.

[209] ǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ Ž ǽǻǿǼǧ ǽǻǿǼǧ: ǽǻǿǼǧ امǡǫ وǽǻǿǼǧ ǽǻǿǼǧ ǽǻǿǼǧ ص 16.

ăĤŀÔہ ǰ ǂ ÛòدĤöă ĺدĜ ȼűÎہ ăØŁ وكل ÛÕöæ ăĤŀÔţă ĶŔِęă ăæŮ ƖƬ ǈŁƔţă ȼȑøĺ ةعăøă

ǥرورǯöă Ž دƳĜŀö ةمالĤöă ăĤŀÔţă عن ƳŔƺ ÛţøÂöă من ȼDZِّـ ŀŁƺ ȳƺŀĤہ ورŁŀș ȼـăǴو ƘـăÂöă

8رÔِّöă Ž ĘШ ÕÊŁِّöă ŀƗŁ درÀŀö ȄƑöو Û[210]ǈǯţă رDZŨæ ŀŁƘ8ö ŀŁƘDZŨِّ مرǂ ă ƃƺŀƺ ÛăƑŮƺöă

ɬ ăĤِّرÎöă Ž ȧƺـăΣă ǰ أ ăƑăǴ ȃ تكر Ɣöă ăƑ ءŀŁِّDZqă ăöăدĤöă ƙ ء ƺŁ ǈǹتدöă ăØƬƺ ÛȼِّـƸكŀη

ţŀÂِّqă ȳ عدد ǰ ǂ ÛĘΣă ŌŀŁĤِّȅă Ž ƵÊĤِّöă ŏøد ĺدĜţ ƟŀDZ رƬƫہ ȼŀĺ ŀŁك ÛȧƳŭqŀæ ǲّ تـŁ

ăǴŀæŮ Ž ŀŁوكـ .Ƙ8öŀæ øرŔöă ȧŀΣŮ ȼـăŭ شـ من ƑŀȄ ȼDZƺæ ĘΣă ŌŀŁĤِّȅă Ž Ǵȑăو ƵÊĤِّ ÕŀţŀŁæ

ǈكŀĤŀö وكـöن Û[211]ȧƳŭqă ƘĤÊِّöă Ž ǈȍǂă ǰ ǂ ăĤŀÔŁŀö ŏŀŔِęqă عـƑ ɃƎƨă ƘĤÊِّöă

ǈǹتدöă

.ƃŀţă ƑÆŀƨă Ž ȃŀƑöă ƙæ ةمالĤöă ăĤŀÔţă ĘƑăƠو ةمالĤöă ăĤŀÔţă ȘȦǴ ȼǹـ Ž تد كاǰ ǰŮ ȼƑƺ

ȧƺÊöă ǈŁĺ ȼƺDZو ǲŁƶ ăĤŀÔہ ƘĤÊِّöă ʔĺø وĦ عدد ȳماqă كاǰ ăæŮ" :[212]ăƺرع شـæ Ōŀę

ƙæ ȧƺـăΣă Ž ŌدĤöă ƙ ء ƺŁ ăØŁو [213]"ǰورÎيـ ƵƑكو ǰƺĤƑĜيـ ƵƑك ǈŦŨÊيو ŏƟÎöă Õöæ

رĤÊöă من ƖƬ ǲŔيـ ǰ ăعـ ةعـŀŔĜöă ăƑكلم Ž ȼـăǴ ŌŀŁĤِّȅă Ž ƵÊĤيـ أǰ رDZŀتلŀö ȄƑƺ ÛăدرƺǂŁ ما

رŔيـ ȼæ ȼŨŀĺ بـاŀĤŀö .ȧƺÊöă Ōƺـيـ ȳماqă ƟDZŀĜöă[214] :"ووƬDZ ȼ – Ƀĺ ăƺDZ ƘĤÊِّöă – ما Ƒƶ من

ÛǲƑĜöă عـƠ ȃŀÂöă ƎƛȄƑöو ǈƬـعـƑ ادÊƺqăو ǈƬعـƑ رĤÊöă ŏƳqŭ من ǲƗţă وةمالĤöă ƖŀÔţă Ž رƫÂöă

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[210] أƫȼŀ: د. ƟĤŨƺ مرƗĤöă ÛŁƑöă ǲDZƺ ÛĘȼŀȄ ĺ 113.

[211] تقدƺ وƠø أǹƺ ƲرŁيرǥ أǰ ƳDZø ŏŀƺDZ ǹقال يا øȄƺŏ ! ă Ȅرƫ ÛǹŀŎ قال: ǹل أدعƺŀ. Ż ȼŀƺDZ ŏƟDZø ǈŀƺŀƺ قال: يا øȄƺŏ ! ă Ȅرƫ.

قال: ((ǹƠ !! ŖƺΣ ǯƺرŀƺĪ ǉƺĪ ǂøƺDZŀƺ ǹƠ ƟǉĴ !! ǉŀȄ ǈăǴ ǉندي ȝƫمة)). تقد ƟĺØ من ăƏƺŭ ăĤŀÔţă ŀƗŀĤŁŀ أǰ

=ǪديΣă = ǰŀĤہ ăĤŀÔţŀæ ăăƺŀĺ ǈǹŀŋ ƘĤÊِّöă Ɣöă ăĤŀÔţŀæ ترŌ من ƗƑƗƺĺ وأدƟ ƃŮ øرŔöă ăŀƺ ǈكŀĤŀö ǈǹتدöă

ƘĤÊِّöă. أƫȼŀ Ž ǈƑÔŀ ȼØŁ ŀƙŨÊţă كتاب: د. ƟĤŨƺ مرƗĤöă ÛŁƑöă ȼÆŀţă ǲƺŀƺ.

[212] ƼĴŀ ǯرŀƺ: ƺŁ ƟŀŁ شـ ƟŀŁ شـ عرƺ ƔŁǴƺöă ƟĤŨِّöă ǹƺ أǹƺ ƟĜŀĺ ! ă شـĨ ŃƳȄqă ȳƳŭŀæ ǰربŁ وƫد ŀƑȄ ǍĤِّيـƶ (Ł716)

وتوƺ ƘŀƑȄ (Ł803) ةتقƑȼ رƗĤِّ Ž ŀĜÂŀƑ ȧŀƳøŀ ƺŀƗöŀ ŀĤƑÊŀ وŔŀƑĜŀ ǮÂöă ŀفŀبŀ Û ǯöă ƃǭ ةمامŀö ƏǯDZƏ ŀƑƺȃÂŀ من أǉŁ

ةماŀƑƶ: "ŀΣدود Ž ŀŔƺŀŦŀ ǮǴƬƸŀ ŀƺÊŀƗ"و Û"ŀƺǯăƏ"و ŀƫ."ŀŦ Ž ترǯƏ: شـ ŀăƯŀ ǮăØŁ ÛǮƺ5 Û ĺ 301. وشـǥرŀƺŀ

ŀƏƺŀŀ ĺ 227.

[213] أƫŀƫ: أƃد ŀƑƶŀè ŀƏŀدƏŀ ƘÊăƑŀ Ž ǴƺƏŀكƺ ŀƘÊŀŀ ƠǴƏŀƠ: ƟǴƏŀ ŀƏŀĒŀæ ŀƑƶăƏǲƺ ƏăŀÎراكة ŀƏƺŀƺ ŀŀƺ ŀƏƏƺƏ ŀƺ2 Ŧ

Û1981 ĺ 51.

[214] ǷƟDZƏŀ: ƺŁ ƘƑŀǯ ŀƏƺƏŀ ǴƏŀƏ ǉƺƏƏ ǰ ƘŀƏ شـ ƘƑǹ أǹƺ ŀƏŀƏŀ ǈƑŀƏŀ ƟƏŀƏŀ ƏŀقرƑŀ ƑŨŀ ǐŀƑ من ȼǾŀ ȧǴƏÛ ǈتقلƏŀ ǈدŀƏ ƃƏ ŀǴƏŀ شـƑŀƏŀ ربǍ

ƃƏƏŀ ÛŀŀƠŀƏ وƫد ŀƑƶ (Ł403) وتوƏƏƺ ŀƑƶ (Ł474) Û من أǉŁ ŀƏŀŀŀƏŀ: "ŀƏƏƺŀ"Û و"كتاب أǴƏƘƺ Ž ŀƏÔƏŀ ŀƺƏƘƺ

ŀƏǂƏ"Û و"كتاب ŀƏƏƏ وŀƏƏƏدŀŀƏŀ". أƫŀƫ Ž ترƏŀ: ƏŀƏ ǯŀƏŀ ŀƏŀƏŀƏŀ ÛƏŀƏŀ ƺƏŀ ǉƺŀƏŀ ǴƏŀ ŀŀŀŀƏŀ Û3ǯ

ĺ 1178. ووƏƏŀ ƏŀƏŀ ƺƏŀ ǯ2Û ĺ 275.

و[illegible] [illegible] [illegible] علىٰ [illegible] ما يرى من [illegible] و[illegible]
[illegible] و [illegible] ما [illegible]".[215]

من كل ما أو[illegible] [illegible] ما أ[illegible] [illegible] [illegible]
و[illegible] من [illegible] ويـ[illegible] [illegible] [illegible] [illegible] [illegible] من و[illegible]
[illegible] من [illegible] أو [illegible] من [illegible] أ[illegible] [illegible] و [illegible]
ومـ[illegible] [illegible] يرى [illegible] [illegible] و[illegible] ة[illegible]رية [illegible]
[illegible] علىٰ [illegible] [illegible] [illegible] [illegible]
و[illegible] من [illegible] من [illegible] و[illegible]عتقاد[illegible] أ[illegible] [illegible]
[illegible] شرع [illegible] ومـ[illegible] مر[illegible] [illegible] – [illegible] – ما [illegible]!
عـ[illegible] و[illegible] عـ[illegible] [illegible] أو [illegible] [illegible]
[illegible] [illegible] [illegible]: "[illegible] أ[illegible] [illegible] شرع
[illegible] كا[illegible] [illegible] مقـ[illegible] [illegible] [illegible] كا[illegible] [illegible] كار [illegible]مر
[illegible] و[illegible] علىٰ أ[illegible] [illegible]روعـ[illegible] [illegible]شكا[illegible] و[illegible] كار [illegible] مـ[illegible] و[illegible] [illegible]
[illegible] و[illegible] [illegible] [illegible]".[216]

[illegible] الرا[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] كل ما [illegible]كر[illegible] [illegible] كن [illegible] أ[illegible] كـ[illegible] من [illegible] و[illegible] [illegible]
[illegible] من [illegible] [illegible] من [illegible] و[illegible] يتقا[illegible] علـ[illegible] [illegible] [illegible]
يـ[illegible] من [illegible] [illegible] كـ[illegible] [illegible] و[illegible] [illegible].

- [illegible] : [illegible] : [illegible] من [illegible] [illegible] [illegible] و[illegible] [illegible] من
[illegible] [illegible] كـ[illegible] علىٰ [illegible] ومـ[illegible] [illegible] [illegible] [illegible]
علـ[illegible] [illegible] [illegible] أو [illegible] يد [illegible] يرى [illegible] كر[illegible].

[215] [illegible] علىٰ شرح [illegible] [illegible] كتاب [illegible] [illegible] 18.
[216] [illegible] [illegible] 385.

كما أن [illegible] و[illegible] يتفقان أي[illegible] على مبدأ [illegible] من [illegible] أو [illegible]

[illegible] على [illegible] و[illegible] وديد [illegible] [illegible] أو

[illegible] كان أو [illegible] ومت[illegible] [illegible].

- [illegible] : [illegible] من [illegible]

[illegible] و[illegible] و[illegible] [illegible]

[illegible] على [illegible] ديد [illegible]

و[illegible] من [illegible] من [illegible]

و[illegible] أو[illegible] كل [illegible] يلي:

1. [illegible] : فقد عر[illegible] ديد [illegible]

[illegible] كل على [illegible] – [illegible] – [illegible] ترد[illegible] أن

[illegible] ف[illegible] [illegible] متعلقة [illegible] و[illegible] [illegible]

عن [illegible] ومه[illegible] تقل [illegible] أد[illegible] تأمل على [illegible]

[illegible] على ما [illegible] امن[illegible] و[illegible] [illegible]

أن على [illegible] [illegible] دمة [illegible] و[illegible] عدو [illegible] فرد[illegible]

امن[illegible] [illegible] و[illegible] وعلى [illegible]

و[illegible] [illegible] دو[illegible]

و[illegible] [illegible] على ما [illegible] ادية و[illegible] [illegible]

و[illegible] وكل [illegible] [illegible] [illegible]

[illegible] عن [illegible] [illegible]

كا[illegible] يت[illegible] ويت[illegible].

و[illegible] ما [illegible] عن [illegible] [illegible]

[illegible] عن [illegible] من [illegible] عقلة [illegible] [illegible] ساوية أ[illegible]

تقا[illegible] على [illegible] وما [illegible] من أدلة [illegible]

وأ[illegible] عن [illegible] ما أ[illegible] [illegible]

[illegible]: [[illegible] مصط[illegible] [illegible]

ŘǨĸƓǸ ȸÅǈş] :ǐǕǍو Âع ǿǒzǫ Û[217]**[ǼΣǀ ȸ҉ ōŏŭǕ ǃǃ3 ǈǅŏŬzǃǀ 3ǶǸǨ ғş !ǀ ȯÂǜǙ ŭη**

ǈǅŏŬzǃǙ ŘǨĸƓǸ ȸÅǈş] :ǿǒzǫو Û[218]**[ƙţǈŢǀǀ ȸǃ ǀǽǙ ŌǜǙ ǈǈ العل ȸ҉ ōŏŭǕ ما ǳعد ȸǅ ǈǅŏŬzǃǙ**

БǙ ɃدǘǙ ʔzŢǻ ɹǀ ǆzرǑو [219]**[Ƙنص ғş ƃş ȸ҉ !ǀ ȸ҉ Ōǀǀ ǈǈ العل ȸ҉ ōŏŭǕ ǿǾي ǳعد**

.[220]**[ȹƷǍzȸ҉ş ȏǿǂǀş ğǀzالسلم ğالسدǐ ǈǅŏŬzǃǙ ǼΣǀ 3Ǹǀ zǀş]** :БǀŇ ȯǈǀz ƁǀŇǻ ɹǀÊz

وǫد ʔǀθ ǻǾǾ ǻĸǺǻ ğǀǘǻ Ž ǿǾzÔ ǗǀǻŠǻ ǿǀǻŠǻ ǀǾǻ ǀǽǀ ǺǾǻ ... ɹǀ ǐǀǻ Ǿ ɹǀ ǐǈ ǈǈǉ

ويقر ǥكرو ǼΣǻ ويǘيدǀǀ كدعامة ǻǾǀǾǀ Ž ǿǾŢ ... Ż ғ ǬǀǾ Ǿǿ Ƙǿǘ ɹǀرو8

ǅzǫzة وǅǾ ... ɹǀ ǘǀǾ ǀǾ ... ǐǀǀǀ ... БǙ ɃدǘǙ ... ǐǀ

ǐǀ ǈǾǻǿ ومقدǻzǀ ... Ž ǿǾΣǻ ƁǀŇη

.[221]ǿǾǾǕو ǥzǥ Ž ǀǑǀÔ БǙ ... وǘعادو ǿzŢ ɹÊǀ

وǾǾ ... ǥzǥ ... Ž ... ǥzǻ يكz ɹǀ ... ǥzǻ ... ǗǀǻŠǻ عن

ǿǒzǫ Ž ɹǀقرǻǻǻ ǀǀرǫǀ ... ǀǀǀ ǀǀǀǀ ... ǀǀردية ... ǀǀ باب ... 3ǫو ... 8ǀرǻǻ

ǈǾǀ3 ǾzǾǀ الرسǀ ǀzǾǀş âǀǀǀ ʔǀ3 ŏǕǀǀ ǀzzǾǀ ǀǀsş ǀǀǀ ǈǀǀǀǀǕ ŌǀǾŏş] :БǀŇ

Ž 3zǀǻ ǀدوǀǻǀ ǀǀǀ ǿzǫ Ž Ǜǀ وɹǀz :ǾǀيقاǾ ... ǀرب ... Ž Ǜǀzǀو Û[222]**[ǀǀǀǀ]**

.[223]ǈŢعدو âǀǀ ǿǀǀ ɹǀ ... Ǜǀzǻ ... ŏǀǕ ŌǀǾǀو ÛǿǀÊǵ

... ɹǀǀ ... وǀǀرد ... ǥzǵ من ȸɹ كɹ ... Ž ʔ... ǫد ǀǀ ... دǀǀ ǀǾǀ

... عةǀǀ ... ǀǀ ... ʔǀعلɿ ǀǀǀ ... وǫد ... ǀǀ ... ǈǀǀǀǀ

ʔŘǀǀǀمقت ʔǀعلɿ ... ǀǀǀمة ... وǀǀرد ... تروو ... ǀǀعة ... Ž ...

من ... روعة ǀǀ ... ǀǀ ǀɹ مردو ... Û[224]ǈǀǀǀ ... وǀǀǀǀة ... ǀǀد من

ǀكǀǵ ɹǀ ومن ǀɹرع ... ǀكǀǀ ... ǀɹ Ž ... كرǀǀ ما ... تعǀǀǀ و ... 3ř و

... وǀǀǀ ... Ž ... ǀǀ ... ومقاǀد ǀǀياǀǀ ʔǀعلɿ ǀǀǀǀ مǀرية ...

ɹzكɿ ɹǀ" :ǀǀ Ž ... يقzǀ ... ǀد ǥ Ž ǀياǀ ғ ǀǀǀǀ من ţ شرǀ ... ǀǀ

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[217] ǥǿzǾ ǥǀǀǀ ǀǿية 48.

[218] ǥǿzǾ ǥǀقرǀǀ ǀǿية 145.

[219] ǥǿzǾ ǥǀقرǀǀ ǀǿية 120.

[220] ǥǿzǾ ɹzǀǀǀ ǀǿية 71.

[221] ǀǀر: د. ǀǀǀ ... مرǀǀ ... ǀ 66.

[222] ǥǿzǾ ǥǀقرǀǀ ǀǿية 143.

[223] ǀǀر ... ǀالرير ... ǀ 7.

[224] ǀǀر: د. ǀǀǀ ... مرǀǀ ... ǀ 277.

[illegible] على [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] تق[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] شر[illegible] [illegible] كا[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] و[illegible] [illegible] كا[illegible] [illegible] [illegible] عق[illegible] [illegible] تك[illegible] أ[illegible] [illegible] [illegible]"[225].

2. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]: [illegible] من [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] أ[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] على [illegible] [illegible] [illegible] [illegible] أ[illegible] [illegible] [illegible] [illegible] [illegible]
على [illegible] [illegible] [illegible] [illegible] [illegible] أو [illegible] [illegible] تر[illegible] [illegible] [illegible] ما [illegible] [illegible] [illegible] من
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. وع[illegible] [illegible] [illegible] [illegible] دو[illegible] [illegible] [illegible]
أ[illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ومكا[illegible] [illegible] [illegible] [illegible] أ[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] تك[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] على [illegible] [illegible] [illegible] [illegible]
و[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] أكثر من تقرير [illegible] [illegible] [illegible] على أ[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] شا[illegible] [illegible] [illegible] [illegible] ومث[illegible] [illegible] [illegible] [illegible] من [illegible]
تق[illegible] [illegible] [illegible] أو [illegible] [illegible] تق[illegible]: [illegible] [illegible] [illegible] كا[illegible] و[illegible] [illegible] [illegible] تا[illegible] [illegible]
و[illegible] [illegible][226].

أما [illegible] [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] كل [illegible] [illegible] من أ[illegible] يك[illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] عن [illegible] [illegible] تق[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] أو[illegible] من [illegible] [illegible] [illegible] [illegible] [illegible] وتت[illegible] [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] و [illegible] [illegible] [illegible] [illegible] وما كا[illegible] يق[illegible] [illegible] كا[illegible] [illegible] وت[illegible] تق[illegible] مر[illegible] [illegible] [illegible] [illegible]
على [illegible] مر[illegible] [illegible] [illegible] و[illegible] من [illegible] [illegible] [illegible] [illegible] عل[illegible] [illegible] [illegible] ما يكن
[illegible] .[227][illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ما [illegible] و[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ما على [illegible] [illegible] من [illegible] على [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
كا[illegible] أو [illegible] ومه[illegible] [illegible] من شا[illegible] أ[illegible] يك[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] كا[illegible]
[illegible] [illegible] [illegible] و[illegible] يق[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]:
"... [illegible] [illegible] [illegible] تق[illegible] [illegible] [illegible] [illegible] على [illegible] [illegible] ساوية [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[225] [illegible] [illegible] [illegible] ص 315.

[226] [illegible]: [illegible] شا[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] مر[illegible] [illegible] ص 17.

[227] [illegible] [illegible] [illegible] ما و[illegible] من أ[illegible] د. [illegible] شا[illegible] [illegible] مر[illegible] [illegible] ص 25.

ترﭬ ﭳﭫﭼ ﭵﭷ ﭭدﮨﭬ وﭬﭘﭬﭴﮥﭬ وﭬمﭯﮪﭬ وﭬﭪﯕﭬ ةﭿﭴﭬ ﭼﭨﮨﭬ وﭬﭘﭼﭨﭬ ﭬدعية ﭱﯦ ﭬﮪﭬﮥوﭬ عل؟
ﭼﭬﭬ وﭬﭫﭬﭬ ﭪﭬﭬ وﭬدﮨﭬﭬﭬ"[228]. وﭬﭬ ما دﭼ عﭬﭫ ﭼﭬﭬ !ﭬ :ﭵﭬﭬ [ﭬﭬ !! ﭬامر ﭬالعدﭼ
ﭬﭬﭬﭬﭬسان ﭬﭬﭬ ﭬﭬي ﭬﭬﭬﭬر ﭬﭬﭬ ﭬﭬ ﭬﭬﭬﭬ ﭬﭬﭬ ﭬﭬﭬ ﭬﭬﭬﭬر ﭬﭬﭬﭬ][229].

[228] وﭬﭬ أوﭬد ﭬﭬﭬ ﭬﭬﭬ ﭬﭬة من ﭬﭬﭬﭬﭬ ﭬﭬﭬﭬﭬ شرﭬﭬة ﭬﭬكد وﭬﭬﭬ ما وﭬﭬ ﭬﭬ ﭬﭬﭬﭬﭬ ﭬﭬﭬ. ﭬﭬر ﭬ ﭬﭬﭬ كﭬﭬ: ﭬﭬﭬ ومدﭬ ﭬﭬﭬ ﭬﭬدوﭬﭬ ﭬ ﭬﭬﭬﭬ مرﭬﭬ ﭬﭬﭬﭬ ﭬ 78.

[229] ﭬﭬﭬ ﭬﭬﭬﭬ ﭬﭬﭬية90.

[illegible]

[illegible]

عرف [illegible] أو [illegible] أو أدة [illegible] على [illegible] أ [illegible] من شكل [illegible] شرك [illegible] مقدو [illegible] الرعاية والعتبر [illegible] كان [illegible] من [illegible] يرفع [illegible] عامة أو عردية [illegible] من كل [illegible] فرد [illegible] وانطاعة [illegible] عالعة [illegible] فرد على [illegible] والفقرة [illegible] على [illegible] كل [illegible] و [illegible] عن [illegible] أو [illegible] ما [illegible] كان من [illegible] أو [illegible] ورو [illegible] روعة مادة [illegible] وود [illegible] مقدرين شرك [illegible] من [illegible] وأشار [illegible] تفقد [illegible] من [illegible] شرك [illegible].

وغرف [illegible] على [illegible] وأ [illegible] والعتبر [illegible] رعة [illegible] يتقدر [illegible] على [illegible] العناعة [illegible] من [illegible] رية [illegible] و [illegible] من [illegible] وما [illegible] على [illegible] مالية [illegible] رية [illegible] من [illegible] على [illegible] و [illegible] رية [illegible] على ما [illegible] رين [illegible] أيدر على متكاملة رية [illegible] تكر [illegible] من [illegible] وتفرية [illegible] تار [illegible] ورو [illegible].

[illegible]

[illegible]

[illegible] من [illegible] أو [illegible] من [illegible] و [illegible] أو ما يقود من [illegible] أو [illegible] كان أو [illegible] مقدر على [illegible] على [illegible]

[illegible] ووفا [illegible] كردية و[illegible] مدو[illegible] [illegible]
امة [illegible] تقدد [illegible] و[illegible] عد أ[illegible] [illegible] و[illegible] [illegible]
[illegible] د[illegible] و[illegible] [illegible] كل و[illegible] رد [illegible] [illegible]
[illegible] [illegible] علا و [illegible] أو [illegible]
[illegible] و[illegible] من [illegible] و[illegible] من روعة [illegible]
[illegible] روعة [illegible] و[illegible] رد [illegible]
[illegible] وأ[illegible] تا [illegible] رد و[illegible] [illegible] كر [illegible]
[illegible] روعة [illegible] كا و [illegible] [illegible] عدد [illegible] علا
أو [illegible] شرف و[illegible] [illegible] [illegible] عا [illegible]
[illegible] من أعا [illegible] كا ":[illegible] عند [illegible] [illegible] يقد كا [illegible]
علا [illegible] رد [illegible] و[illegible] [230] [illegible] و [illegible]
[illegible] عد [illegible] تا [illegible] من روعة [illegible] [illegible]
[illegible] [231] [illegible] علا [illegible] كر و[illegible] امة [illegible]
و[illegible] [illegible] روعا [illegible] مادا [illegible] من ما [illegible] دور [illegible]
[illegible] ومقد [illegible] [illegible].

و [illegible] من [illegible] رد [illegible] عا [illegible] رد [illegible] دمة
[illegible] كر [illegible] كا و [illegible] [illegible] [illegible] عا [illegible]
و[illegible] علا [illegible] من [illegible] مدو [illegible] كردية و[illegible] [illegible]
و[illegible] علا [illegible] و[illegible] [illegible] رد [illegible] [illegible]
[illegible] و[illegible] علا [illegible] رد ومد [illegible] رد [illegible] من تلقا [illegible]
[illegible] عد [illegible] و[illegible] ومكن عد [illegible] [illegible] [illegible]
[illegible] رد [illegible] أكد [illegible] روعا و[illegible] أ [illegible] يتد [illegible]
روعة [illegible] كر [illegible] د [illegible] شر [illegible] رعا [illegible]
تكد [illegible] مد [illegible] كا أ[illegible] ود [illegible]
[illegible].

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[230] [illegible] .83 [illegible]

[231] د. [illegible] 1977 [illegible] .80 [illegible]

وعلى [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] شرط من [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] أشد عناية أو [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible].[232]

وعلى [illegible] تكرر [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] أن [illegible] كما [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
من [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] أو عامة أو [illegible] كان [illegible] مرتدية
ما [illegible] من [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] شرعي من [illegible] [illegible] [illegible] ! [illegible] [illegible] [illegible] [illegible] [illegible] عادي [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] عن [illegible] [illegible] وعلى [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] على [illegible] [illegible] [illegible] وعدد [illegible] [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] كان [illegible] على [illegible] [illegible] تقدير [illegible] [illegible] و[illegible]
[illegible] [illegible] من [illegible] [illegible] [illegible] [illegible] ومن [illegible] يريد [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ما [illegible] [illegible] [illegible] [illegible] [illegible] كان [illegible] [illegible] على
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] وأدى [illegible] [illegible] [illegible] من [illegible]
كان [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] على [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] كان [illegible] [illegible] على [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ما [illegible] من [illegible] [illegible] [illegible] [illegible] وعلى [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] كان [illegible] [illegible] [illegible] [illegible] أو [illegible] [illegible]
[illegible] [illegible] ما [illegible] [illegible] [illegible] [illegible] [illegible] من [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] وما [illegible] [illegible] [illegible] [illegible] على [illegible] [illegible]
[illegible].

- [illegible] : [illegible] [illegible] [illegible] [illegible]:

[illegible] تكن كلمة [illegible] أو [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[232] د. [illegible] [illegible] [illegible] [illegible] [illegible] 83.

ǖǚƋǆǍ ƹǈǂǆǉ ǀǙǕƾǈ ǐǈǋ ǁǐǆǗǀǈ ǁǉǆǋǘǆƽǊǌ ƺǖǊǙǀ .ǈǀǊǊǎǈǌǊǌ ǈǀǉǕƽǊǆǍ ǈǈǔǎǕǌǈǈ
ǍǐǈǆǍ ǎǆǐ ǊǈǋǑǈǆ ǁǐǆǗǀǈ ǈǀǖǊǈ L'abus ǖǊǎǆ L'abus des droits ǖǊǎǆ ǌǚǍ ǀǕǈ ǚǊǉ
ǈǀ ǁǉ [233]ǎǐǗǘǈǁ ǖǊǎǆ ǍǍǗǈǀǊǈǈ ǀǀǈǚǎǐǀǉǋ ǎǆ ǈǋǉ ǈǐǋǈǆǍ ǁǈǆǍǈǈǔ ǈǈǈǚǏǐǀǉ ǈǀǀǂǆǍ
ǍǀǈǐǊǀǉ ǎǈǋǈǈǂǆǍ ǊǍǈǀǆǈǀ ǀǀǈǈǀ :"ǆǍǗǎǌǆǍ ǈǚǀǊǆǉ ǍǊǈǐǆǍ ǁǍǊǋǈǎ ǈǆǋǖǆǍ ǁǕǀ
ǁǆǈǉǂǆǍ [234]"ǎǐǗǊǉ ǈǈǚǈǀǆ ǏǐǈǀǊǈǈ ǊǈǍǀǆ ǍǈǕǗǍ ǍǀǈǍǊǆǍ ǈǆǍǈǀǆǈǊǉ ǍǈǕǊǉ ǍǕǔǈǆ ǈǈǐǆǍ
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ǁǐǕǆǍ ǈǀǈǉǂǍ ǉǆǗǈǈǀǆǍ ǁǕǊǉǆǍ ǆǈǈǈǆǍ ǖǖǊǈǍ ǈǖǊǎ ǎǎǈǆǍ ǁǆǖǀ ǁǈǈǀǆǈǈǀ ǊǎǆǉǆǍ
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[233] د. ǈǀǆǍ ǈǍǆǍ ǈǀǆǍ ǀǆǍ ǈǍǆǍ مرجع ǈǀǆǍ ǍǆǍ 45-46.

[234] ǈǀǆǍ ǈǍǆǍ 219.

[235] ǈǀǆǍ ǈǍǆǍ ǈǀǆǍ ǀǆǍ مرجع ǈǍǆǍ 264.

[236] الإمام مالك: ǈǀǆǍ ǈǍǆǍ ǈǀǆǍ ǀǆǍ ǈǍǆǍ ǈǀǆǍ ǍǆǍ ǈǀǆǍ ǁǈǍǆǍ ǀǆǍ ǈǍǆǍ ǈǀǆǍ (92هـ) ǈǍǆǍ (179هـ). ǈǀǆǍ ǈǍǆǍ: ǈǀǆǍ ǀǆǍ 1ج، ص 208.

[237] ǈǀǆǍ ǈǍǆǍ: د. ǈǀǆǍ ǀǆǍ ǈǍǆǍ ǈǀǆǍ ǍǆǍ ǈǀǆǍ ǁǈǍǆǍ ǀǆǍ 17، ǈǍǆǍ 1947، ص 838. ǈǀǆǍ عن د. ǈǍǆǍ ǈǀǆǍ ǀǆǍ ǈǍǆǍ ǈǀǆǍ ǍǆǍ ǈǀǆǍ ǁǈǍǆǍ ǀǆǍ 1912.

(ǨǶę)" :ϿƎϾöä äǫǼدوţä Ž Ǒôاǉ ماȳǉmqä öȥ يقȥ. أȓنǭ Ƀأ ǾǶŁع ϿعاϿ ǢيȘرتر ǂو ǾǯŁع دǿ ǶǺÊȞ
عǺد ȳǉماqä ölę) ǾǯǸأ ƟȍǑ وأو ǼǾȥǸأ ǿǉقاȞöä وأو ǿȥدوöä ΚȣÔöä دǀȥöä ϿعاϿ ǋèǉقاȥ أȷ ǟȥǞ ǞŁ
Ǫǿو ǾǯǸأ ȓDzǧ Ž ǻΚȣȍ ǶǸȍ ȷ أȥ ǨȷǿǾأ (ǨǶę).Ǒôاǉ عن ماÂəǲDZ Ǒöæ :(ǋèǉقاöä فɸن ƥȓنöä
ΚȣÔöä ϿعاϿ Ǒöæ ǟȥǞأ ȳǉHȥ ΚȣÔöä ǾǺǾǰ بǰä ǋèǉقاȥ ǶǾǿȥمȓ Ǿأمȓ Κǭ أو من ǶǾǿȥمȓ Ǿأمȓ ϿعاϿ
öǉƞ ǡدÔيȘ ǂو ΚȣÔöä ǾǺǾǰ ǰǉ بȓ ماǰ äǺŁ ǟȥθ ǂ Ǒôاǉ öǉę (öǉę) ǾŏǉشرȘǾا بǰä ȳǉǧ وǭǔد
.[238]"ǟȥθ ǂ ǶȒȷأ ǥǉǶǂä ǑôǿϚ ΚȣÔöä ǾǺǾä

- ǧǉęŸȞöä ǋǯŢǺ Ž ǶǾǭكا Ǒöæو ÛɃعاد Κǭ ǿȓȑ ǾǺعن دǀȥ ǻǽǕ ţروȋأ Κǭ ĘΣä öǉǾȞǰèä ƎȞȷ
من ǾǧǉȍɈ ƷǺ مȒǾDZو عاد Κǭ ǿȓȑ ǡǉΣǕ ƂǕ ĘΣä öǉǾȞǰèä Ͻأدا ǻǽǕȥ ǿǻȥƨä عن ǻǺشاǺöä
ǫدǧأ ǧدǿǕȥ ȳȥę ǿدو ǞǾǶǲDZ ƂǕ äȍعر ƃ ȷ كار ȥȍ ǨȷǿǾأ" :äǫǼدوţä Ž ŏǲDZ تقدȥ ÛǾȍǾǾȞǰèä
ϽȥȞǺǕ ȷ أȷ ǋǓ ȷȥكأيȥ ÛǑöæ ȷǻΚƨä ǺǾعلȥ ȳǕȥ Ͽǧȓنȥ ǶȞȓȥ أو مȓǾȥ ǶǿȥǾ أو ǶǶƥ äȍȓȞöä Ǒǉتاȥ Ž
أȷ ǋǮǼȥ ǾǧشاȥȍΚ وما ȷǉǹȍöä من ȷǻΚƨä ϿعاϿ ǻǿȓȑ ǫدȜ ما ȷ كار ȷǕ (öǉę). Ǒôاǉ öȥę Ž
.[239]"Ǒöæ من ƷǺ مȓǻǿȑ ǻǿŁ ȷ كار ȷǕȥ ǾǿǲDZ ǿȓȑ من ƷǺƞ öǉę Ǒôاǉ ȷǰ Ǒöæ من ǑȥȞǺϽ

- ǂ ȟȥÊǾ ĘΣä öǉǾȞǰèä ǂ öȥÔHǉǶǕ عاϿ ǻȞǺǺم ǉǾ ÛǿǻȓȑRǕ ǊǾ ÛΚȣǕǾǾ ϿǲDZويȘ ǻǿŁ ǻǺǧţä أǉدǧ مȒǾ
ÛƷǺǾǾ ǾǯŁع دȥȞيȘ ȷ أȷ دورȷ ǻǿȓȑ ΚȣǕǾǾ ǿȓȒöä ĘHǉيǉ ǉƞ Ǿملكȳ öǉǾȞǰèä Ž ȤÊȞöä من Ǒôǉţä
Ž âǉǶǉǕ ţǿä ǾǯöȥǧȥǼ وȏ ǿأ ǾǕ ǊǲDZǿ عن ǊǺè وȥǾ يقȥöا ماǕ ǨȞȢ (öǉę)" :äǫǼدوţä Ž ŏǲDZ
Ǒöæ كار ȷ ȷǕ (öǉę) ȳȥǯöä ţǿä Ž ǾȓǿǾأ ƂǕ ǾǯǾǺǾشاƞ ȷȥ أȷ ȏǿǰä Ǒǉتا ǢǧǉȍȞ ǻǿǾǕȥ ǋǮȓǿأ
.[240]"ǾȥȞǺϽ ȷ أȷ ǋǮǼȥ ǋǮعǿä دÊǺيȘ

2.ȒاǺيǓȥ Ž ǺعشȥȞǉ مǾǿǢ ǉq ماـǉ ǺǾǕǉ ǧيـنȞä:[241]

ǀèأ Ǒôǉما ȳǉماqä ǢŁǿţä Ž ȤÊȞöä ǥكرȥ ǋǮǯŁع ǨÊèƞȘ ƔŏǓ äǫŸǰöä ÛدǉǧƷä ǿǻȓǭ ϿعاϿ
Ǒöæ ǮǾǶȞمه ǫǺǕ ÛمملقɸǾ ǥȓŢǫ ĘΣä ƂǕ ȓŢǫ ǗŏǕ ǻǺǺǧ ǋǰأ ȳǉماqä ȷ كار ȷǕو ÛȤÊȞöä ǋǮȓية ƟǺǺΣä ǾقǺöä
[242]« ȷǾȒöä ŽǉǺيǠ ƟعȓȋöäǞ ǟǻȥϨä » ǼǻǾǕ عدɸǥ قاعدȥȥǉ ÛƟǺȘǺǕ ماȷ ǾȒǉȥ ǻǿȓȑ مقرȥ ǟǻȥϨä ȳǻǶ مادǕ ǾǫǕǿ

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[238] äǫǼدوţä ÛϿƎϾöä ǿȥيǻǿ ȳǉماqä ȷȥǺHǉè فɸن ǧǾǾè ÛƟǹȥǼǾöä ǂدوȜ ÛǧوȔǕ ÛǿǻدǉȍǕ Û5Ȝ ȋ .493

[239] äǫǼدوţä ÛϿƎϾöä Û5Ȝ ȋ .529

[240] äǫǼدوţä ÛϿƎϾöä Û6Ȝ ȋ .195-194

[241] ǻǺ ȥǞ: **ǧيـنȞä** ǞŁ تقȥǾ ǡǿǻȓȞöä ȷǉǾȞǾǕǉ فɸن ǨǾǉǭ فɸن ǉǧوȏ ǟȥǞȥ وǻد (ǿǺè 80ھ) كار ȷǉ ماǺا وǿǾ ǺǾ عامǾ ǿǉǶȞم متǉǹ ǻǺǶǞȞǿǺǾ كاǻ
شǉǕ ȷ ǂ يقǉǹ ǽǻȥȥǲDZ ÛǉǉȋÊöä ǶǾǕǉǞ ǢǺǥȉ ǢŁǿţä ÛǾǺΣä .ǘȥǭ ǂȓŢǫ ترȓǻ Ž تȥȍǞǀ: ǥكرǿ ÛǶǺΣä ÛǵǻǶ Û1Ȝ ȋ .168

[242] عǶƟ ǿǾǧدǾ ǿǾ دǻȥ ȳǾǺΣä شرǉȳ ǻǡǉ ǧǾǧǹǧǾ ÛȳǺǓ ǶȞǉȓǂ ƟǉǉǂƟ ǵǉǶǞ ƟǼǿǺΣä ǶǶȓ ǶǻȥǻǾ ǶǾȞǧ دǿǾ ÛǧوȔǕ ÛǼǿǕ Ȉ 1 Û1991 Û1991 ǧǉدǥ Û91
Û5Ȝ ȋ .92

Ûȼzǡɗʟأ وﻻ ĘΣǡ ةياﻠﯾ Бǚ ğlȦǝǒqǡ ﺭ دور ﺔﻳﺭﻼﻟ ȼǝǵ ȯlʦȞǝȅǡ ﺩﺮﻔﻟا ÛĘlÛţǡ ĘΣǡ ﺔﻳﺭƮǣ Øǹĺ ȼǿĺ Ƀĺ

ȯlʦȞǝȅǡ ﺭ ǚz ȧΥǜqǡ ǡØŁ ʒﻪ ȼǿɉ ǡȾﻜlţǡ Ęǵ ȯlʦȞǝȅǡ Ž Ǜǝz ǿzÔƮ Ƀĺﺭǒǡ ǡØŁ ﺭ ǚz ǡﻮﺪﯾ lɯو

؟ﻰﻠﻋ Ƙ8ǒǡ ȧzǝǵ Бǚ lŁǡɗȞǝ ǡǽǚ ﺎﻣأ ÛǝȾﻋﺮƮǒǡ Ȼﺩوﺪǵ Ž ȼǒlʦȞǝȅǡ ﺭz ﻦﻜﻳ أ ﺭ ȓﺭƮǣ ﺪȾﻘﻣ ĘΣǡ

.ﺔﻋﻭﺮƮţǡ ǡȺȞţǡ Ȼﺩوﺪǵ Ž ĘΣǡ ȯlʦȞǝȅǡ ﻦﻋ ǯﻭﺮǹ ɃɗȞǝǒǡ Ž ǡǽǚ ÛɃɗǝȞţǡ ﻞﻋlȦǒǡ[243]

ǡȺȺǵ lǣĺ Ғǵlǝ Ƀﺪﻳ ؟ﻰﻠﻋ Ǹǹɉlǣو ɄȦȺΣǡ ȼǝȦǒǡ Ȅȅĺ ﺪﻘﺗ ȻlθqǗ ǡØŁ ﻦﻣ Ɫǭlﺮǒlǣو

:ɄŁ وɄﻛǒlţǡ ȜŁØţǡ Ǜɗlǥţ ǡǒlƮ ﻡǛɗlǥ ؟ﻰﻠﻋ ȤÊȞǝǒǡ ﺔﻳﺭƮǿ[245] Ȥȅzﻳ zǣأو[244] ﺪʦƮ[246]

- ȜǮ ȯlʦȞǝȅǡ ĘΣǡ ǜǥǡl ﺭ8ǒlȏ ﻡȼȦ: ﺪﻛ Ž ﻭﺔﻳ ǡɉ ﺏ أو Ƃzǒǡ ؟ﻰﻠﻋ ﺭǑȍlǝǒǡ ﺭ ǚz ǡØŁ ǡɗǥţǡ ĺ

ĘȾǝHǝǒ ɏǚ ﺍȾﻛzǒǡ أو Ƃzlǒ ǴȦɛ Ɓ ĘΣǡ ǡØŁ ﺭ ɉ ﺔﻳɏzǒǡ ȻØŁ Ž ʒȅzǝǒǡ ﻦﻣ ﺪHȾǒ ʒȓ و

ɫﺔﻋlʦ Ǝǝǡ ȏﺭ8ǒǡ ǡØŁ ؟ﻰﻠﻋ ǡzǊﺭǹ ﺭ ǚz ÛﺍﻜlﯾZţǡ أو ﺭǑȍlǝǒǡ ɼlÔﻡ ﺔﻳﺎﻋǿ zŁ ƙȞﻡ ȏﺭɖ

.ǡȾǿzǿǑlǝǒǡ ǡȾǵlȦǒǡ ﻦﻣ ﺭɉǑǡ Ƈﺪﻋ ﺭ وﻛﺎﺭ lȦÊȞǝ

- ȯlʦȞǝȅǡ ĘΣǡ Ǝǝﻳ Ƙɖ ﻡﺭƮȕ ǡǽǚ ﺪǒzǝ ǹȦﻋ ǿﺭﺓ Ƙɖ ﺩﺎﻋ Ϋz ǡzǮ ȯlʦlǒ Ɵǒlǝ ǡlơǡ ȼﻚﻠﻣ

ȼǒlʦȞǝȅǡو lɳ ﺭﻳ ﺭȒ ﺭǡƘɘlǣ ǡǿﺭȓ ǡȿŁlȿ Ƀĺ lǥǵlz ɏ ﻦﻜﺭȜ ȁﺭHǝǒǡ ȼȦﻡ lǿlÊHǝȅǡ ﺭɉǊl

Ž ǿzȦǝ ǒlȦǣ ﺪǡǿĺ zǒ Ǫǒǣ ﻦﻣو Ǫlţǡ Ž 8ﺭÔǝ ȼǿzﻜǒ ȻȦȾǮ ﺭŁlƮǒǡ ȃlȾǝǒǡ ﺭ ﺭﺎﻛ ﺭǚ و ÛǝHlÔţǡ

Ǫǒǣ ﺭ ɉ Ǫǒǣ ȂǮ Ɓ ﻦﻴǿlÔǝlǒ ﻦHÛlǒ lǥǿ أو ﺪﻛﺎﻛƘǒǡ Ž ﺭz ﻦﻜﻳ ﺪﻛ Ɫǝǡﺪǒǡ ȂǴǺlǒ Ȼǿǡﺩ

ȍﻭﺮﺗ ﻚﻠﻣȼ Ž 8ﺭÔǝ ȼǿɉ ȁzǮ ȼǿĺ ȃlȾǝǒǡو Ûȼǹﻋ ﺭǡHǝǒǡ ﻦﻜﺭȜ ɏ ǡȿŁlȿ ǡǿﺭȓ ﺭǡƘɘlǣ ﺭȒﻳ

ǡHlÔţǡ ﺍǊɉ lǿlÊHǝȅǡ Ǫǒǣ[247]

- ɏ ﻳȄzȟ ȯlʦȞǝȅǡ ĘΣǡ ǪǒǿȓqǗ :Ƙ8lǣ ǿǡﺭȓ Ǫǒǣو ﺪﻛ Ž ĘΣǡ ﻦﻣ ﺪȦǒǡ Ęǵ ﺩﺮȦǒǡ Ž ǒȾǵǚ ǿǡɉǡ ɄȓǡǿɉǑ

ǪlţǡﻦﻣlȜĺȻlǥǵlǝوǡȺȺǵlǣȳlmǡ؟ﺮﻳǬȾǵƘ8lǒǿﺭȓlȈȾﻋȜǝﺗﺮﺗوǧﺩأ ﺎﻣǡǽǚǧǡzţǡ

[243] ﺭƮǿأ: د. ﻋﺪﺑ ȳΥÊǒǡ ÛɄΟzǝǒǡ ﻡǞȅÊǡ ǡȾǒǞÊţǡ Ž ǡȞﺭƮǒǡ ǡȾǡΥȅqǡ ÛǡȾﻡƮǿǡǧ ǡȾǡ ǥzɜﻋǡǒǡ ǡȾȞǡ ǡȾﻡΥȅqǡ ÛǡȾţlȞǒǡ ﺭɖȅ ÛǡȾƚǒ ÛǡǡȾƚ 1ȓ Û1994 Ûlǣﺭ Ǡ 235 ǡ.

[244] ƮﺪǠ ǡlɗΣlʦ: zŁ zǣأ ﺪﺑﻋ ǣ ﻦﻣ ﻦǡΣÊ ﻦﻣ ﺮﺑﻳ ǡǝǒ ǽǒǒǡ Ǯﺎﻛ ǡzǒzǒ Û ﺪﻟوﻭ ǡȅ (135ﻫ) ﺭﺗzǒ Ž ǡȅ (189ﻫ) ȼǝȦǒ ﻰﻠﻋ ﺪﻳ ǩﺭ Ȥȅzﻳ ǩĺ Ȝǵlǝ ÛǡȺȺǵ ǶǣǢ ǡǩǗ ﻛﺘﺐ ǽȟǴ ǡǶȦǒ: "ǡ ǽ8ǒǡ ʒǡǽ ǡ Ƙ8ǒǡ ʒǡǽ" و"ǡȁǡ ǯǿǡȁţǡ Ž ĘΣǡ" .ﺭƮǿأ ﺭﺗ ȼǝȳ: ﻭﺎǥ ǧǡﺭﻋ ǡɉﺭ Û4ǯ Û184 ǡ. وأﺭƮǿ: ǡȜȈǿɗǒǡ ÛǡȟΥﻋɉǡ Û6ǯ Û80 ǡ.

[245] ǡǡǽ ǡʍȄ: zŁ ﺏ ǡǿzȞǡ ﻦﻣ ﻦǠﺭǡɗʦɫ ﻦﻣ ǡǵǴȜ ǡǑlȑǡ ǡɗǿǡȾﺪɗǒ ƶǶǡǚǒǡ Žzﻛǒǡ ﺪǡﺭ ǡȅǑǡ Ǡ8ǡ Ǯǡ ǡǡ ǡǡ (182ﻫ) Žzﺗ وﺭ (113ﻫ) ǡǡ ǡǡ ﺪﻟو Ûȼǥ ﻡØ ﺭƮǿ ﻦﻣ وأ ǡ zŁ lǒ ǡ ﻋﺪǡ ﻦﻣ ǡ ﻭأ ǡ ǡ ǡ ǡﺪǡ ﻛﻦ ǡ Û ǡ ǡ ﻋﻠﻰ ǡ ǡ ﻭ ǡ ǡ ǡ

ǡﻘǡ ﻦﻣ ǡȜ ǡ ǡ ﻣﺆﻟ ǡ ȼﻘǡ: "ﻛﺘﺎﺏ ǡȁǡ ǡ" و"ﺃﺩﺏ ǡ ǡ ǡ" Û"ǡ ǡ ǡ Ž ǡﻘǡ". ﺃﻡǡǿ ﺭﺗ ȼǝȳ: ﻭǡ ǧǡ ﻋɉǡ Û6ǯ Û378 ǡ. Ƙȅ ǡΥȅǡ ǡ ǡȳ ǡ8ǯ Û535 ǡ. وأﺭƮǿ: د. ﺷǡ ǡﺪƮ ǡ ǡ ǡ ǡ ǡ ǡ ﺗﺎﺭǡ ǡ ǡ ǡ ǡ ﺭﺑﺎ ǡ ǡ ǡ ǡﺪǡ Û ǡ ǡ ǡ 1ȓ Û1981 Û ǡ 54 ǡ.

[246] ǡﺭƮǿ: د. ﻣǡ ǡ ǡ ǡ ǡ ǡ ǡ ﺭǡ ǡ ǡ ﺮﻣﺭ ǡ ǡ ﺭǡ 85-86 ǡ.

[247] ǡﺭƮǿ ǡ ǡ ǡ ǡ ǡ ﺷﺮﺡ ﻛǡǡ ǡ ǡ ǡ ﺩﺭǡ ǡ ǡ ǡ ǡﻜﺘﺎﺏ ǡ ǡ ȓ2 Û4ǯ Û196 ǡ.

[illegible] يدل [illegible] وية [illegible] [248] [illegible] وعد [illegible] عن يترتب [illegible] يقم: "أما [illegible] [illegible] يكن [illegible] أو [illegible] مة [illegible] [illegible] عل [illegible] لعرة [illegible] "[249].

و[illegible] ما [illegible] وما [illegible] يتفر [illegible] مقاروة [illegible] رية [illegible] من [illegible] رية [illegible] تار [illegible] روا [illegible] كل أو [illegible] اية [illegible] عن [illegible] ومق [illegible] اية [illegible] و[illegible] وكار [illegible] عد [illegible] عل [illegible] دو [illegible] اشة [illegible] يترتب عل [illegible].

2. [illegible][250]:

[illegible] عل [illegible] يكن [illegible] وفو [illegible] عل [illegible] يتد [illegible] ويقد [illegible] [251] [illegible] عل [illegible] مادة [illegible] روع [illegible] كاملة. [illegible]: "[illegible] ما [illegible] أو كل عقد كار أو [illegible] و[illegible] أكر [illegible] كا [illegible] [252] أو [illegible] [illegible] يقل [illegible] عل [illegible] دور [illegible] و[illegible] اية [illegible] و[illegible] عل [illegible] و[illegible] عل [illegible] كرا [illegible] وعلا [illegible]

[248] [illegible] كتاب [illegible] 1982 [illegible] 194.

[249] [illegible] كتاب [illegible] 64.

[250] [illegible] (150هـ) [illegible] (204هـ) [illegible] من تكل [illegible] أوه من [illegible] كار: "[illegible] أشار [illegible] وأعر [illegible] من [illegible] تر: [illegible] 163. وأ[illegible] 26.

[251] [illegible] د. [illegible] مر [illegible] 87.

[252] [illegible] 74.

من ȬǀƫƗ Ž ğǀǕǂȂǀƫǀ ǀǈǀ 3ǀǈ Ɣǀǀ ğǀǀǀǀǀ ǀǀǀ .[253]ǀǀǀǀǀ ȧǀǀǀǀ وǀǀǀǀǀǀ ǀǀǀ ȧǀǀǀǀ و

Ž ǀǀǀǀǀǀ ǀ و ǀǀǀǀǀǀ ǀǀ ǀǀǀǀ من 3ǀǀǀ ǀǀ" :ǀǀǀǀǀǀ ǀǀ عددǀ ǀǀ ǀǀǀǀǀǀ وǀǀǀǀ ǀǀǀǀ ǀǀǀǀ ǀǀǀǀ

ǀǀǀǀ ǀ و ǀǀǀǀ Ž ǀǀǀǀǀǀ ǀǀǀǀ Ž ǀ و ǀǀǀǀǀǀ Ž ǀǀƫǀ ǀǀǀ Ž ǀ و ǀǀǀǀǀǀ علǀ ǀǀǀǀ 3ǀ و

[254]"... ǀǀǀǀ ǀǀ ǀǀǀǀǀ

ǀǀǀǀǀ وǀǀǀǀǀ ǀǀǀǀǀǀǀǀ Ž ǀǀǀ Ž ǀǀǀǀǀǀ وǀǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀ

ǀǀǀ ǀǀǀǀ ǀǀǀǀ ǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀ ǀǀǀǀǀ علǀ ǀǀǀ وǀǀǀǀ ǀǀǀǀ ǀǀǀǀ من ǀǀǀǀǀǀ وǀǀǀǀǀ ǀǀǀǀǀǀ

ǀǀǀǀǀ Ɣǀǀ ǀǀǀǀǀ ǀǀǀ ǀǀǀǀǀ وǀǀ ǀǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀ ǀǀ ǀǀǀǀ ǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀ

ǀǀǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀǀ ǀǀǀ ǀǀǀǀǀǀǀ من ǀǀǀǀ ǀǀǀ من ǀǀǀǀǀ ǀǀǀ ǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀ

.ǀǀǀ ǀǀǀǀǀǀ ǀǀǀ و[255]

3. **ǀǀǀǀǀ ǀǀǀǀǀ Ž ǀǀǀǀ ǀǀǀǀǀ ǀǀǀ ǀǀ ǀǀǀǀ:[256]**

علǀ وǀ ما ǀǀǀ عǀǀتقر ǀǀǀ ǀǀǀǀ ǀǀǀǀǀ Ž ǀǀǀǀ ǀǀǀǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀǀ ǀǀǀǀ ǀǀǀǀǀǀ

ǀǀǀǀ وǀǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀ مرǀǀǀǀ دور ǀǀǀǀ وشكǀ ǀǀǀǀǀ علǀ ǀǀǀǀǀ وعدǀ ǀǀǀǀǀ ǀǀǀǀ

وǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀ وǀǀǀǀǀǀǀ ǀǀǀ متǀǀǀ علǀ ǀǀǀǀ ǀǀǀǀ وǀǀǀ ǀǀ ǀǀǀǀ ǀǀǀǀ ǀǀǀǀ

ǀǀǀǀ من ǀǀǀ وتǀǀǀ ǀǀǀǀǀǀǀǀǀ Ž ǀǀǀ علǀ ǀǀǀ :ρ ((**ǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀǀ ǀǀ ǀǀǀ**

ǀǀǀǀ وأǀǀǀ ǀǀǀǀǀǀǀǀ ǀǀǀǀ ǀǀǀǀǀǀ :"ǀǀǀǀǀǀ ǀǀǀ ǀǀǀǀ ǀǀǀ يقǀǀ ǀǀǀ Ž و((**ǀǀ ما ǀǀ امرǀ ǀǀǀ**

ǀǀ من ǀ Ž ǀǀǀ ǀǀǀ وǀǀǀǀǀǀ ǀǀǀǀ وأǀǀǀ ǀǀǀǀǀ ما أعلǀǀ وأǀǀǀǀǀ وǀǀǀ ǀǀǀǀǀǀǀǀ من ǀǀǀǀǀ

.[257]"ǀǀǀǀ مرǀǀǀ كاǀ ǀǀǀǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ومن ǀǀǀ كاǀ ǀǀǀǀǀ

ويقǀǀ :"ǀǀǀǀǀ وǀǀǀ ǀǀǀǀǀ وǀǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀǀǀ ǀǀǀǀǀǀ Ž ǀǀǀǀǀ أوǀ من ǀǀǀǀǀ

وعتǀǀǀ ǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀǀ ǀǀǀǀ Ɣǀǀ ǀǀǀǀ ومقاǀǀ ǀǀǀǀǀ ǀǀǀǀǀ مقǀǀǀ ǀǀǀǀǀǀ ǀǀǀǀǀǀǀ

ǀ ǀǀ .[258]"ǀǀǀǀǀ ǀǀ ǀǀ وǀǀǀعتǀǀ ǀǀǀعتǀ ǀǀ ǀǀ ǀǀǀǀǀ ǀǀǀ كاǀ ǀǀǀǀǀ ترǀǀ ǀ Ɣǀǀ ǀǀǀǀǀ

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[253] د. أǀǀǀ ǀǀǀǀǀ ǀǀǀ ǀǀǀǀǀǀ وǀǀǀǀǀǀ مرǀǀǀǀ ǀǀǀǀǀ ǀ 88.

[254] ǀǀǀǀǀǀ ǀǀǀǀǀ علǀǀ ǀǀǀǀǀǀ ǀǀǀǀ وǀǀ ǀǀ دǀǀǀ ǀǀǀǀǀǀ ǀ1996ǀ ǀ2ǀ ǀ 233.

[255] ǀǀǀ: د. أǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀǀ ǀǀǀǀ ǀ 88.

[256] ǀǀǀ ǀǀǀ ǀǀǀ: ǀǀ شǀǀ ǀǀǀǀǀ وǀǀǀ ǀǀǀǀǀ Ž ǀǀǀǀ ǀǀǀǀǀ ǀǀǀ عǀ ǀ! ǀǀǀ ǀǀ ǀǀǀǀ ǀǀ ǀǀǀǀ ǀǀǀǀ ǀǀǀǀǀǀǀ

وǀǀ ǀǀǀ (164ه) وتǀǀ ǀǀǀ (240ه)ǀ كاǀ ǀǀǀǀ ǀǀǀǀǀ ǀǀǀ كتاب ǀǀǀǀǀ وكاǀ من ǀǀǀǀǀ ǀǀǀǀǀǀǀ ǀǀǀ

عǀǀ ǀǀǀǀ ǀǀǀǀǀ وǀǀǀ ǀǀǀǀǀǀǀ ǀǀǀǀǀ وǀǀǀ ǀǀǀǀ ǀǀǀǀǀ. ǀǀǀǀǀ Ž ǀǀǀ ترǀǀ: ǀǀǀǀǀǀ ǀǀǀǀǀ ǀ2ǀ

ǀ 431. وǀǀ أعǀǀ ǀǀǀǀǀǀ ǀ11ǀ ǀ 178ǀ ووǀǀǀǀ ǀǀǀǀǀǀ ǀ1ǀ ǀ 63.

[257] ǀǀǀ ǀǀǀǀǀ ǀ3ǀ ǀ 164.

[258] ǀǀǀ ǀǀǀǀǀ ǀ3ǀ ǀ 82.

ǥرȒم lŏ ɗÔę أو ţ ما شر Ƙɖ lŏ ɗÔę ɟ ŭǛ ÛlǮĞǥlŏ مقŏد وɖlايةّ ÆĒÊƜ lǖ شر ƎĭĬ ǧlǛرÔĭ
أو مدّÊȦǥ ʈ ƎĭĬ يŏ رÔȣ8 مروĨ ȳدĬ lǖ مروĨ ȣǺعوأ ÔقŏدȢلادوȣ و ǂǼ ǂǼ ÛلايةȢ وȣ مرȚرية ǇÊĬĭŏ .
وƳlÒ من ƒ ǂȴl ما وǿد من أǿŏ ţ روȣǛ ǺقǛ ǂǺǛ كرǖ Ûl Ž ÆĿǿŎţ ǺǮقȦŏ من أȳlكǥl
ووبǛDZ ȧǛقΣ ǺǦÊ ĺƌدم على ŏlȴǏĬŏ ÆĿlɖĺ ţlPŮو ȧǛقΣ ȯlȴĬĭèȣ و ǧlǛرÔĭl ĘĿĬ
ǇÊĬĭŏ ǥكرǛ ŏǛĭèȣ ǿتقرèȣ ǺقǢǥ ƂŮ Ûلايةȣ ȣÔęو ǮǻȚ ومȚ شك ţ روĨ ǼDZǛ lTlȴĬĭè
وǛĘ ǧتقرè lŒĺ ʈŮ lǮƧl ǂĿÊ تكن Ɓ ɟŮ و lTǛŏĺ على ƟمƳèq ǼقȦŏ Ž ĘΣ ȯlȴĬĭè Ž
أيدȻ على ɗĬǖ ǂǺǛ متكاملة ǮȚرية È ÈǖĭĬ lǮĭĬDZ ƘلاĬم ƟȽ و Ûlكرǖ ما ȯƳǹ من lȷتةȣ ƘلاĬم
:[259]ƟلĿ ǂǺǛ رÔĬȸĭ Èèĺ و ÙǬǛř على ȳǛ تقǛ ŏlǮقȦŏ

1. ÆĒ ȯlȴĬĭè ĘΣ ÆĒÊƜ رȣ8 ȏ ǼȸمĈ
2. ƎĭĬ يǿlŏ ÆĘΣ ǥ ęد ǇÊĬ Ž ȯlȴĬĭè :ǼقǢǥ

- ǂǿŮ ɗÔę ǼȴĿǏ qȣ رř ǿȣ ƘǿǂǾl.
- ǂǿŮ Ɓ يترتĒ على عǂȴǼ ƷȦǠ ǼŎ وتǛǿعد ǼȸƘ رř ǿ ƘȣǂǾl.
- ǂǿŮ ǰتǠ علȸǼ رř ǿ علȳ ƷǂĭDZȴǂ (كǂǾlǾ qتكاǥ ǿŏl).
- ǂǿŮ lǾاب من ƘȣǂǾ ŏȣرǛDZ ȴĬŏلǏ رř ǿ ƘȡعادȻ.

وŏلǞǿ على ǤǿŁ ÙǬǛȒȣ ǰŏ ɻكǪ lŏ على ȣرÔĭ8ȣ و ȯlȴĬĭè ĘΣ ǼكǛǢǼ ÛlǟÊĬ ơدد ǧ أكǯر
ƘلاĬم ÛǮȚريةȢ ǾǢǥ من Ǒدɗ ǤǿŁ ÙǬǛȒ ما يǾÊɗ ƂŮ مȸǂǿ ǛřǛȽÛ وǞȒǮl ƂŮ مȸǂǿ ǾǞŹ
.شǺÔƟ

- ǭانيـا : الȡـعسك ǇȢند ȡالȞŏǮl ȴǂtjlȫروȸƾ:

ǂǿlǾ على ما ȣèتقر علǂǼ ǼقǛ ǂŎǿŁÆ ǂlكرǖ Ž ȡروعǛǮǯ ǞǮقȦŏȣ Û ǹlÔǾl ƂŮ ǥǢقة
Ž ǂǞرǾĨ ȳlكǥ ȷ Èèĭ من Ûǯǫlę ĘΣ ȯlȴĬĭè ǇÊĬĭŏ Țرية ǿȣتقرèȣ و ŏǛĭè
ƒǂǛǬǮl على ǰǛƷ ţȣȒlǿ وDZlĿÆ ţȣÔlŗ ǂŎǡǛلا وأكل ǥĘ ǭlǼǨ ŏروĨ ţ مقǂد ɻǿȳ ȒȣرǿÛ
ǛǯكǢ ȧǛقΣ ȣǂŁǞǻ ǥǺة شرǖ ǂŏlǿ ǿǮl مǠƷ ǂŏȒl ŗȣǿو ǂlDZÆĿ ǂŗȣ Ûǂ ŗȣȒ ǂǮǯǾ ƟلǛǂ ŏlǿ
ȯlȴĬĭè Ęǥ ǭlǼǨ ǼŎ شرǖ ǂȣɟ ترتĒ علǂǼ ǿř رȣǿ8Ƙ ǰǼǛ ǼǤŭǛ ǺƷǼ Ž ǰǿŁ ȣΣlŎ ǂǿŮ ما كاɟ ǿȒرȣ

[259] أǼȚر: د. ǿǛǻ ǂlÛlɟǂ Ûƒ Łأ ǰȵǛɟ ȡرȣÔlȬÛ مرǛDZ ƷǂĭĘ Û ǂĮ 89. وأȚر ǮكǞŎ: ما كرǖ ǢȷȰȴĭǿ ĨǮȲǂƟ Ǜǯĺ ǂȣè Ž
مقاǥǂ: Țرية ǇÊĬĭŏ Ž ȯlȴĬĭè ĘΣȣ Ûǂƒ ǰȷȵȾÛ Ûǯ5 ȣǮÊǾȣ34Û د ÊƎ1962 ǿȳǿǼǛDZÆ1382هÛ Ĩ 463 ƂŮ
.467

أشد أو [illegible] على مبدأ [illegible] وأن كان [illegible]
أكد [illegible] أو [illegible].

وعلى [illegible] وتفرق [illegible] وأن كان [illegible]
وأو [illegible] على [illegible]
على [illegible] يكر [illegible] كر [illegible]
[illegible]. وما [illegible] عند [illegible] ومع [illegible] أمكن
[illegible] ود [illegible] أمر [illegible]
!! ما [illegible] [260] وأن [illegible] من [illegible] د
[illegible] و [illegible]"[261].

وعلى [illegible] من [illegible] رين [illegible] كر [illegible]
[illegible] وأعتاد [illegible] ية [illegible] أن [illegible] تك [illegible] كر
[illegible] من [illegible] أو [illegible] عد [illegible] تقلة [illegible] كر [illegible]
[illegible] ري [illegible] أو [illegible] عد [illegible] كا
[illegible] وما [illegible] و" [illegible] يق [illegible]
على [illegible] أمر: [illegible] وما يق [illegible]
على [illegible]..."[262] وو [illegible] وكا [illegible] ري [illegible]
[illegible] "ومن [illegible] يكر [illegible]
[illegible] أو [illegible] أن [illegible] تك [illegible]
[illegible] شرع [illegible] [263] [illegible] ر [illegible] أن [illegible]
[illegible] أو [illegible] مو [illegible]
[illegible] على [illegible] كر [illegible] عد [illegible] وما من [illegible]
[illegible] ما على [illegible] رين [illegible] ين [illegible]
من [illegible] ما [illegible] كا [illegible] وعد [illegible]

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[260] [illegible] 16.

[261] [illegible] 83.

[262] [illegible] ية [illegible] مر [illegible] 71 [illegible] عن مقال [illegible]
[illegible].

[263] د. [illegible] ية [illegible] مر [illegible] 72.

[illegible] من [illegible] مر [illegible] وت [illegible] تت [illegible] ما [illegible] و [illegible]

[illegible] عن [illegible] عد [illegible] ر [illegible] عل [illegible] وعد [illegible] [264] [illegible]

[illegible] من [illegible] وعد [illegible] من [illegible] كل [illegible] من [illegible]

[illegible] من [illegible] وما يترت [illegible] عل [illegible] تق [illegible] من [illegible] ديد [illegible]

مق [illegible] أو [illegible] عن [illegible] أو تق [illegible] [265]. [illegible] و [illegible] ديد [illegible]

من [illegible] عل [illegible] ما [illegible] عل [illegible]

[illegible] دور [illegible] كار [illegible] من [illegible] عل [illegible] وما يترت [illegible]

[illegible] ما رو [illegible] عن [illegible] كل [illegible] يت [illegible] أو [illegible] و [illegible]

وع [illegible] ية [illegible] تق [illegible] عل [illegible] [266] [illegible]

[illegible] عل [illegible] أو [illegible] ديد [illegible] عل [illegible] أو [illegible] و [illegible]

[illegible] رية متقلة [illegible] قة وتك [illegible] عل [illegible].

- [illegible]: [illegible] العس [illegible] [267]:

[illegible] أو [illegible] من [illegible] و [illegible] مدو [illegible] ير [illegible]

[illegible] و [illegible] عل [illegible] و [illegible] عل [illegible]

[illegible] وتكر [illegible] تك [illegible] " [illegible]

[illegible] شر [illegible] مق [illegible] ".[268]

- [illegible] و [illegible] من [illegible]

و [illegible] وعد تك [illegible] مق [illegible]

[264] [illegible] ما أو [illegible] د. [illegible] 55 [illegible] 65.

[265] [illegible]: [illegible] 348 وما [illegible].

[266] و [illegible] ما [illegible] عل [illegible] و [illegible]

[illegible] عل [illegible] تكرو [illegible]

و [illegible] عدو [illegible] يك [illegible] و [illegible] يك [illegible] و [illegible]

[illegible] يك [illegible] و [illegible] رية [illegible] و [illegible]

[illegible] عل [illegible] د. [illegible] ". [illegible] عل [illegible]

[illegible] 1990 [illegible] 67 [illegible] 36.

[267] العس [illegible]: من [illegible] و [illegible] مر [illegible] و [illegible]

وع [illegible] و [illegible] مادو ([illegible]) [illegible] 4 [illegible] 776.

[268] [illegible] د. [illegible] رية مر [illegible] 87.

[illegible] [269]

[illegible]

- [illegible] [270]
- [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[269] [illegible] 332.

[270] [illegible]

ǒǡǶÊǒǡ ג ǵ ʔלد ǡדǡƶǰ وǡامة ǡ̌Ȟǒǡ.

- Ʉşٲ : נ ʈٳה ٳȴعسƵ Ž ٳٲǓانƶن الرȿماɔ:

عرȣ ǡǡלقاǡƶɹ ɔاǒǡروما ǡلقدƇ ǡƶكرو Ƶ ǡǒǡ̌ȞÊ Ž ǒǶǿǒǐ ǡȉǡםǡǡȉǡ ǡقةȓǒǡ وɄȽ ǒƶǿǒǡ ǡتƕɦג
Ʉ ǡ٨ǒǡ ƠٯقǡĘ ɄȽ ǡΣĘ ٲǓǡȼ ạ̇̄ǒǡ ɃלǿǡȡǡǱ ǡ ǡǲǰ ٲǒɃ ǡ ٲ ǡǡǰ8 ǡɃ ٲقد ƶǡȽǡ ǡ̌ǡ̌ǡ ǡƶǡ ǰǡ ǡ ǡ271 ǡǡوǡǰǡǡ
ǒǡǡȒǿ ٲɌɅɑǡ ɉƶǒè ǒɦǶ̌ǡèǡ ǡǒǡ ǒǡǡǲ ǡǡÔג يقǡ ٲǵǡȼǡǡ ǡǒɃǡ كار ٲ ǡǡǡ ǡΣĘ ǒɦǶ̌ǡèǡ ǡƶǡǡǿǒ عار ǡƕ ǒǡȒǡ
ǡƳǹǰǡ ǡǡǳǡ Ùٲ ǡǡǡ ǡǡǡ من يتقرب كار ǡ ǡǡǒƶǡÛتǡ ǡǡǵǡǡ مرǡ ǡǒǲ Ž ɔاǒǡروما ǡلقاǡƶɹ ǡكƶǡ ǡǒǡ ǡɄǡو ǡ272Û ǡǡوǡǰ
ǡǡǡǡوǡǡǡǡ ǡǒ ƳƵ Kǡ ǡ ǡǡƵ ǡلقاǡƶɹ وأ ǡ لقاǡƶɹ ٲǡɦǡȁ ǡأ ǡǡǡǡǡǡ ǡ لقاǡƶɹ ǡǒɄ ǒǡكƶ ǡقƶ ɉKƵ ǡǡǡǡǡǡǡوǡ
ما ǡ ǡǡمǡ ǡǡ يتǡǡƶ ما ǡلǿ ǡǡǡ ǡ ǡǡǡ عل ما يتǡǡ وǡǡǵǡ ǡǡ ǡ ǡǡ وƵ ǒǡǡǒǡǡ ǡ ǡǡǡǡ ǡǡƶ ǡلو ǡǡǡ ǡǡǡǡǡǡ ǡǡ
عل ǡǡǡǡǡ ǡǡ ǡǡǡǡ ǡǡǡ عل كار ǡ ٲقد ǡǡǡǡǡǡǡǡ ǡǡǡǡ Ž ǡǡ كƕ ǡ273 ǡǡǡǡǡ ǡǡǡǡǡ ǡǡǡǡǡ ǡǡǡǡ
Ęǵ ǒɦǶ̌ǡèǡ Ž ǡǡǡǡǡ ǡǡǡǡ وتǡǡǡǡǡ ǡǡǡǡ ǒǡè Ǩǡǡ ǡǡǡǡ كǡدية ǡǡǡǡ ɉƶدعǡ ǡǡ عل أǡ ǡǡǡǡǡǡ ǡǡǡǡ
كتاب Ž ǡǒɄ عل ǡǡ وǡǡ ǡǡǡǡǡǡ ǡǡǡǡ ǡǡǡǡ Ž ǡǡǡǡǡ ǡǡǡǡǡ مادǡ ǡǡǡǡǡ ǡǡǡ عǡǡ ǡكǡ ɄǓ ǡلقاǡ
Ž ǡǡǡǡǡǡ عل ǡمǡǡ ǡǡǡǡ ǡǡ ǡǡǡǡ ǡǡǡǡǡ ǡǡǡǡ ǡǡǡǡ ǡǡǡ وǡǡǡ Justitutes ǡǡǡǡǡ ǡǡǡǡ
ǡǡǡǡ Ž ǡǡ ǡǡǡǡ ǡǡǡǡ كار ǡǡǡǡ ǡǡǡǡǡǡ ǡǡǡǡ ǡǡǡǡǡǡǡ عل وǡمǡ ǡǡǡǡ ǒɦǶ̌ǡèǡ
ǡǡǡ ǡأ ǡǡ ǡǡǡ ǡǡǡ ǡǡǡǡǡ عل يǡرǡǡ ǡǡǡǡǡ أو يǡǡǡ ǡǡǡǡ ǡǡǡ يتǡǡ ǡأ ǡǡǡ ǡǡǡǡǡ
Ž ǡǡرǡ كار مǡǡǡǡ 274 وǡǡǡ من ǡǡǡǡǡǡǡ ǡǡǡǡ ǡǡǡǡǡ.

- ǡانيا : נ ʈٳה ٳȴعسƵ Ž ٳٲǓانƶن الفرنسɄ:

عرȣ ǡلقاǡƶɹ ǡǡǡǡǡ ɄǡǡǡƇ ǡقد ǡƶكرو Ƶ ǡǒǡ̌ȞÊ Ž ǒɦǶ̌ǡèǡ ǡΣĘ وǡǡǡ من ǡǡǡǡ ǡلقاǡƶɹ
ǡروما ǡ ǡǡ أعǡ ǡǡǡǡ دǡǡǡǡ Ž ǡǡǡǡ ǡǡǡǡǡǡ وǡكن ǡǡǡ أكǡر ǡǡǡǡǡ عǡ كاǡ ǡǡǡǡ عǡǡ Ž
ǡلقاǡƶɹ ǡروماǡǡ ǡǡǡǡ ǡ ǡǡǡ ǡǡǡǡǡǡ ǡǡǡǡ Ž ǒɦǶ̌ǡèǡ ǡΣĘ ǡǡǡǡ ǡǡǡǡǡ ǡǡǡǡǡ ǡǡ
كǡǡ ǡǡǡǡǡǡ دور ǡǡǡǡǡ ǡǡǡǡǡǡ ǡ275 ٲقد ǡǡǡ ǡǡǡǡ ǡلقاǡƶɹ ǡǡǡǡǡ ǡقدƇ عل ǡǡǡ
من Ęǵ ǡǡǡǡ وعلǡ ǡǡǡǡǡǡ ǡǡǡǡǡ Ž ǒɦǶ̌ǡèǡ مǡكǡǡ ǡǡǡǡǡ ǡǡǡǡǡ pothier ǡ ǡǡ ǡǡ ǡǡǡ

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[271] د. ǡǡǡ كǡǡǡ ǡǡǡǡǡǡ ǡ ǡلقاǡƶɹǡ مرǡǡ ǡǡǡǡǡ ǡ 355.

[272] د. ǡǡǡǡ ǡǡǡ ǡǡǡǡǡǡǡ Ž شرǡ ǡ ǡلقاǡƶɹ ǡǡǡǡ مرǡǡ ǡǡǡǡǡ ǡ 647.

[273] د. ǡǡǡ ǡǡǡǡǡ ǡǡǡشǡ ǡǡǡǡǡǡ Ž ǒɦǶ̌ǡèǡ ǡΣĘ ǡǡǡǡ وǡǡǡǡ ǡǡǡǡǡǡ ǡǡǡǡǡ دǡǡ ǡǡǡǡǡ ǡǡǡǡǡǡ ǡ 45-46.

[274] ǡǡǡر Ž ǡǒɄ: د. أǡǡǡ ǡǡǡǡǡ مرǡǡ ǡǡǡǡǡ ǡ 79.

[275] د. ǡǡǡ كǡǡǡ مرǡǡ ǡǡǡǡǡ ǡ 755.

ƇدƷ ǟǂǛǈ Ęǵ ȯǈǓǠǿ ɉ أ lǓɳ ÛǾǻƨǟ ǧماǟÂǻǪ lȒęǚوما ǿlƨǠ ǟǎȒم ǆǮ عƄ ɅǈǓ ɉ أ ȠǻǈǛǿ
.[276]ǟǂǿوǗÊƃǿ ǢǄǻم ǇÊǓ ƂǛ ǢǛقǟ دƩǟ ǟǾƀ ȯǈǓǠǪǟ ʔدǓ ǟǽǘǻ ǿlƨǟ Ęǵ

ويقرر دوما Domat أǢǟ ɍ ǐ ǇÊǻƞ ǐǗ ǆǮ أ ɉ ȠǻǈǛǿ Ž ƇǿǝǟعقامǠ من شǢǟǟايقة ǿlǠǓǻǟ
ǿlƽǟ أو ǿǟǍȑǪǟ ǂǟ ǿǟǍ ǢǟǾǻǟ دǷǤ ɉ ǇǮǚ من ǇǮƍ أو ǿǼǻ[277]Û وǟƀǟ ما ǈȀ ɉ أ ǥǻǤƦ
ƇƆǟǼǼ ǟǂǼǽǕǟǿ ǟǂǛǈ وɅǂÊǿǟ ǟǾƀوǟ ǿǟ ʔǿǼ أو ǈǠ ǟǠǿǼ تكن ƅ ĘƩǟ ȯǈǓǠǟ Ž ǇÊǓǟǾǟ
ǿǷǢǟ ǯƔęǓ ǟÊǂǵ ǇÊǓǟǾǟ ǥǻǤǟ تكن ƅو [278]ǟǂǛǈ Ęǵ ǼƇ و ɍ أ ǚƔǠ ǟǼƩǟ أشد ʔعلى
دǵɀ ȀǂǾ ǐǟǾ ǨȒę ǬǂǵǧǟǷǈƪǟǿ ɅǠǟǾ ǷǂǵǛǈ ȘǓ ǨǼƘ ǠǼȀǕǟ ɅƘǟǟǟ ǷǟǼǗǟǾ ǟ ǢÊǇǼ
– ǟǾǟ ɉ ǐǟǈǟǾǟ ǐǟǛǈǓǿ أو ǐǚعلǈ – أ ɉ ɅÛǓ أعǈǠ ǐǟǂǢ أو أ ɉ ɅǓƶ Ž ɅǈǤǚǠ Ž ɅǈǟǷǚم ǠǼ
.[279]ǈǟǠ

ǈǼ أ ɉ ǥǻǤǼ ǇÊǓǟǾǟ ومǟǟǾǟ ɅǼ من ǟǿǟمقتǠǿǟǾǿ Ž ǷǟǾǟǟǐ ǟǾǟǓǼƆ ǐǾǷǟǼǼ ǟǂǟ Ʌǟǂǵǟǟǟ
وǟǼǾǼ Ž ǈƃǿǼǻǯ ǧǠǻǈƽǂǟ ǯ ɉ أ ǾǂǓǻ ǯǟǾ ǷƪǈƫǟǾ ǯǟǾǟو Ž ǈƃǿǼǻǟ وأǟǯ ɉǟǟرǟǾǟ
ǟǾǟǼǓǛǟ أǟǟǾ ǢǼƃǿǂǟ ǯǟǾǟǾ ǟǟǼǿǟǟǿǟ ǯǟǂǿǾǟ ǟǂǵǟǟ ǟǟǈǼǾǟǾǟ ǾǾǟǟǠ ǯǼǓǟǾǟǠǟǾ ǟǂǿǾǟ ǟǾǟ
مǈƆǛ ǟǠǿǟǾǟǟ ǆǟǼ ǟǿǟǓǠǟ ƘǾǟ ǿǾǟǠǟǟǾǟǾǟǾǟǟ ǯǼǵǂǟ Ž ǈƃǿǼǻ ǟǿǂǼ Ǿǟ Ǝǟǟ Ǯǟǟ ǟǂǟǟǾǟ
ǟǾǟǟǿǟǿǟ من ǿǚǟǾǟ Ƀǿǈ ǟǾǟǟ ǟǼǾǟǟǠ ǟǾǟǟǾǟǟ ǆǟǾǟǟǠǟǾǟ ǯǟǟǟǾǟǾǟǾǟǾǟ ǟǂǟǼǾǟǾǟ
وǯǟǟ ɉ كار ǈǟǟ عن ǟǟǟǟǾǟ ǾǟǾǟ ƅǟǟ ǟǟǯǟ ǯǂǾ ǿǟǠǿ ǟǟǓǿǟ ǿǟǈǟǾǟǟǟ من ǟǟǿǟ ǿǟǼǾ ǟǯǟǵأ
ǐǟ ǯǾǾ ما ǟǯǟǵɀǟ ǿǾǟ ومن ǯƃǟǾǟ ǿǟǾǟǿǾ ǂǟ ǼǟǾǾǟ ǟǾǟǟǵ ǟǼǾǵ ǟǼǟǟ ǟǟǟǾǟ ǯǾǟ
ǟǿǟǾǟ ǟǟǟǵ دǾǟǟ ǟǾǟ ǟǾǟ ǟǼǼ ǟǾǟ مدǟǯǟǟ ǟǾǟǠǿ ماǟǟǟǾǟ أǯǟǟ ǟǵ «ǟǿǟǟǾǟ» ǟǟǾǟǾǟ ǈǟǟǠ
عن ǾǾǿǟǂǟ تقǾǟǟ Ž ǟǼǟǟǵ ǾǟǟǾǟǟǾ ǟǟǾ 1855: "ومن ǵǾǟ ǟǟǟǟǾǟ ǾǟǟǾǟǟ تقامة ǂǟǿǾǟ ǾǟǾǟǟ ǟǾ ǵǟ
وǟكن ǟǟǾǟ وǟقا ǟǟǾǟǾǟǟ ɉ وأǟǟǾǟǟ ǟǾǟǟǾǟ ɉ أ ǟǾǟǟǾǟǾ ǟǟǟǟǾǟ ǟǾǟǟǾǟ ǵ ما ǟǟǟ ʔعلى ǟǾ ǟǟǟǟǾǟ
ǟǟǟǟǟǟ ǟǾǟǟǟǟ ǟǾǟǟǟǟ ǟǟǟ ǟǟǟǟǟǟ ɉ يكǟ ɉ أ ǟǟǟ ǟǾǟǟ Ęǵ ǟأ ǟǾǟǟǾǟǟ ǟǟǟǟ ǟǾǟ ǟǾǟǟǾǟǟ
ǟǾǟǟǟǟ ǟǟǟǟǟ ǐǟ ǟǾǟ يقǟ ƅ ǟǟǟعǟ ǟأ وǟǟǟǟ ǟǾǟǟ تǟǟǟǟǟ وǟǟǟǟǟ ǟǟǟǟǾǟ ǟǟǟǟ ɉ وأ ǟǟǟǟ ǟǾǟǟǟǟ
.[281]"ǟǟǟǟǟ ǟǟǟǟǟǟǟǟ ǐǟ ǟǾǟ ǟǟ ǟǾǟǟǟ

[276] د. أǟǟǟ ǟǾǟǟǟ مرǟǟ ǟǾǟǟǟ ǟ 80.

[277] د. ǟǟǟ ǟǟǟ ǟشدǟ مرǟǟ ǟǾǟǟǟ ǟ 49.

[278] د. أǟǟǟ ǟǾǟǟǟ مرǟǟ ǟǾǟǟǟ ǟ 81.

[279] د. ǟǟǟ ǟǟǟ ǟشدǟ مرǟǟ ǟǾǟǟǟ ǟ 50.

[280] أǟǟر: د. أǟǟǟ ǟǾǟǟǟ مرǟǟ ǟǾǟǟǟ ǟ 81.

[281] أǟǟر د. ǟǟǟ ǟǟǟ ǟشدǟ مرǟǟ ǟǾǟǟǟ ǟ 53.

... Planiol ...

... Esmein.

[282] د. ... ص 756.

[283] د. ... ص 309.

[284] ... د. ... ص 95 ... 103.

ﻋﻠﮭﺎ – ƙǜǶǜƘǟǼǟ ﯾﻦǣƘƬ ƘǈǶǻȀ و ǛǼǟ ǽǣǿƘǻǟǼ ǃ ﻣﺎ ǇǼǣ ﻋﻠﻰ ǚǤǼﺪǟǼǟو ǂƘǭǟǼǟ ȀǻǢ ǟǤƘƯ ǃ ƗǓ
ƘǭǤǶ ǛǼǟ ǧƘǜǟ ǴȀǶ ﯾǶǘǨǂǾƸ دﻋﻲ ﻋﻦ ǻǾﺪ ﻣﻦ – ƘǼǭǟǤ ǟǼƸǟǼǟ ǴǤȀǶǼ ǟǛǠǟ ﻋﻠﮭﺎ و ǆǶǜƘǟǼǟ
ﻋﻠﮭﺎ و ǃǼǟǦ ǡǤǶ ƘǭǦǾǃǼ ǼǤǾǟ ǚǼǟǼǟ ǟǛǻǛǟ ǛǼƘǺ ƗǓ ƗǓ ﻣﺎ ǆǶǜƘǟǼǟ ǛǼƘǺ ǟǓ...ƘǼǾǃǼ
ǟǛǻǛǟ ﻣﺎ ǶƗ ƗǓ ƘǼǟǼǟƘǟǼǟ ǛǼƘǧǾ ƘǭǤǶ ǆǶǜƘǟǼǟ ﻋﻦ ƘǼǾǟ ǼǭǼǟ ǴǾǟǼǟ ǋǾǟǼǟ و ǂƘǿǟǼǟ"[285].
ﻭǟǼǟ ǟǛǟǟ ﯾﺆﻛﺪ ǶǻǟǼǟ ǢǟǜǾǟ ǟǼǟ ǻǾǄ ﻣﻦ ǟǛǻǛǟ ǂǦǾǄ ǟǛǻǛǟ ǃ ǟƘǻǟ
ǛǼǟ ǟǂƘǛǟ ǟǜǾǟ ǢǟǜǾǟ ǟǼǟ ǻǾǄ ƘǾ ǃǆǶǜƘǟǼǟ ǶǭƘ ǛǼǟ ǧƘǜǟ ǢǟǼ ǋǾǟ ǂǟǾǟ
.ǃǼǟ ǟǼǟǼǟ ǃ ǽǤǾǟǼǟ ǟǼǟǼǟ ǶǭǤ ǡǾǟ.

- ǟǼǟǟ : ǟǼǟǟǟ ǟǼǟǟǟ ǟǼǟǟǟ ǟǼǟǟǟ:

ﯾﺮى ǟǼǟǟǟ ǃ ǢǟǼǟ ǆǶǜƘǟǼǟ ǆ ǽǤǾǟǼǟ ǃ ǢǟǼǟ ǶǾ ﻋﻠﻰ ǟǼǟǟ ǟǛǟǟ ǢǟǼǟ ﺪ ǃ
.ǇǼǣ ǃ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ﻋﻠﻰ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ
ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǃ ǽǤǾǟǼǟ ǟǼǟǟ ǟǼǟǟ ǃǼǟ L’abus de droit ǟǼǟǟ ǟǼǟǟ
ǟǼǟǟ أو ǟǼǟǟ Le dépassement de droit ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ
ǃ ǟǼǟǟ ǟǼǟǟ ǽǤǾǟǼǟ ǟǼǟǟ ǟǼǟǟ ǃǼǟ أن ǟǼǟǟ ǃ ǟǼǟǟ ǟǼǟǟ Planiol ǟǼǟǟ
ǆǶǜƘǟǼǟ ǟǼǟǟ ǟǼǟǟ ǃ أن ǟǼǟǟ أن ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ
ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ .ǃǼǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ[286] ǟǼǟǟ
ǟǼǟǟ ﻣﻦ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǆǶǜƘǟǼǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ﻋﻦ ǟǼǟǟ
ǽǤǾǟǼǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ﻋﻠﻰ .[287]ǟǼǟǟ ǟǼǟǟ ﺩﻭﻝ ǃǼǟ ǟǼǟǟ ﻣﻦ ǟǼǟǟ ǟǼǟǟ أو ǟǼǟǟ ǟǼǟǟ
ǟǼǟǟ ǃ ǟǼǟǟ ǟǼǟǟ ǃǼǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ أو ǃǼǟ ǟǼǟǟ ﻋﻦ
ﻋﻦ ǟǼǟǟ ǟǼǟǟ أو ǟǼǟǟ ǃ ǟǼǟǟ ǃǼǟ ǃ ǽǤǾǟǼǟ ǟǼǟǟ ǃ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ
.[288]ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǃ ǟǼǟǟ ǃǼǟ

ﻭǟǼǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǽǤǾǟǼǟ ǃ ǟǼǟǟ ǃǼǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ
ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ﻣﺎ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ أو ﻋﺪم

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[285] أǟǼǟ: د. ǟǼǟǟ ǟǼǟǟ ǽǤǾǟǼǟ، ﻣﺮǟǼǟ ǟǼǟǟ، ǟ 315-316، ǟǼǟǟ ﻋﻦ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ.
[286] د. ǟǼǟǟ ǟǼǟǟ، ǟǼǟǟ ǆǶǜƘǟǼǟ، ﻣﺮǟǼǟ ǟǼǟǟ، ǟ 758-759.
[287] د. ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ، ǟǼǟǟ ǟǼǟǟ ǆǶǜƘǟǼǟ ǟǼǟǟ، ǟǼǟǟ ǟǼǟǟ ǟǼǟǟ، ǟ2، ǟ 544.
[288] د. ǟǼǟǟ ǟǼǟǟ، ǟǼǟǟ ǆǶǜƘǟǼǟ، ﻣﺮǟǼǟ ǟǼǟǟ، ǟ 760.

[illegible] كان [illegible] [illegible] شـ[illegible] تـ[illegible][289] على [illegible] أن [illegible] [illegible] يـ[illegible] [illegible] [illegible]

[illegible] و[illegible] [illegible] كان [illegible] [illegible] أن على [illegible] و[illegible] أن [illegible] عن [illegible] [illegible] [illegible] من [illegible] و[illegible] [illegible]

[illegible] و[illegible] من أ[illegible] [illegible] [illegible] [illegible].

ويرد على [illegible] [illegible] [illegible] ما يرد [illegible] على [illegible] [illegible] [illegible] و[illegible] من أن [illegible] [illegible] [illegible] و[illegible]

مركـ[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] دون [illegible] [illegible] على [illegible] [illegible] [illegible]

على [illegible] [illegible] [illegible] [illegible] [illegible] من أن [illegible] [illegible] [illegible] [illegible] [illegible]

و[illegible] [illegible] من [illegible] أو [illegible] [illegible] [illegible] أو [illegible] و[illegible] [illegible] [illegible] [illegible]

[illegible] يكن [illegible] و[illegible] عن [illegible] [illegible] كل [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] و[illegible] [illegible] [illegible] أن [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible][290] كما أن [illegible] [illegible] عن [illegible] [illegible] أمر [illegible] [illegible] [illegible]

[illegible] – [illegible] من [illegible] [illegible] – [illegible] [illegible] [illegible] [illegible] و[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible][291].

كما [illegible] [illegible] على [illegible] من [illegible] [illegible] [illegible] [illegible]

عن [illegible] [illegible] [illegible] [illegible] [illegible] أو [illegible] [illegible]

و[illegible][292]. [illegible] [illegible] من [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

عن [illegible] [illegible] [illegible] [illegible] [illegible] من [illegible] [illegible] [illegible] [illegible]

عن [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] و[illegible] من [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible]

[illegible] و[illegible] [illegible] على [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible] ومكـ[illegible]

[illegible] و[illegible] كدو[illegible] و[illegible] [illegible] [illegible] [illegible] متكاملة [illegible] [illegible] [illegible]

دون [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] أو [illegible] [illegible] و[illegible] [illegible][293] كما [illegible] [illegible] [illegible]

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[289] د. [illegible]، [illegible] مر[illegible] ص 545.

[290] د. [illegible]، [illegible] مر[illegible] ص 762. وأ[illegible]: د. [illegible] [illegible] [illegible] مر[illegible] ص 279.

[291] د. [illegible]، [illegible] مر[illegible] ص 763.

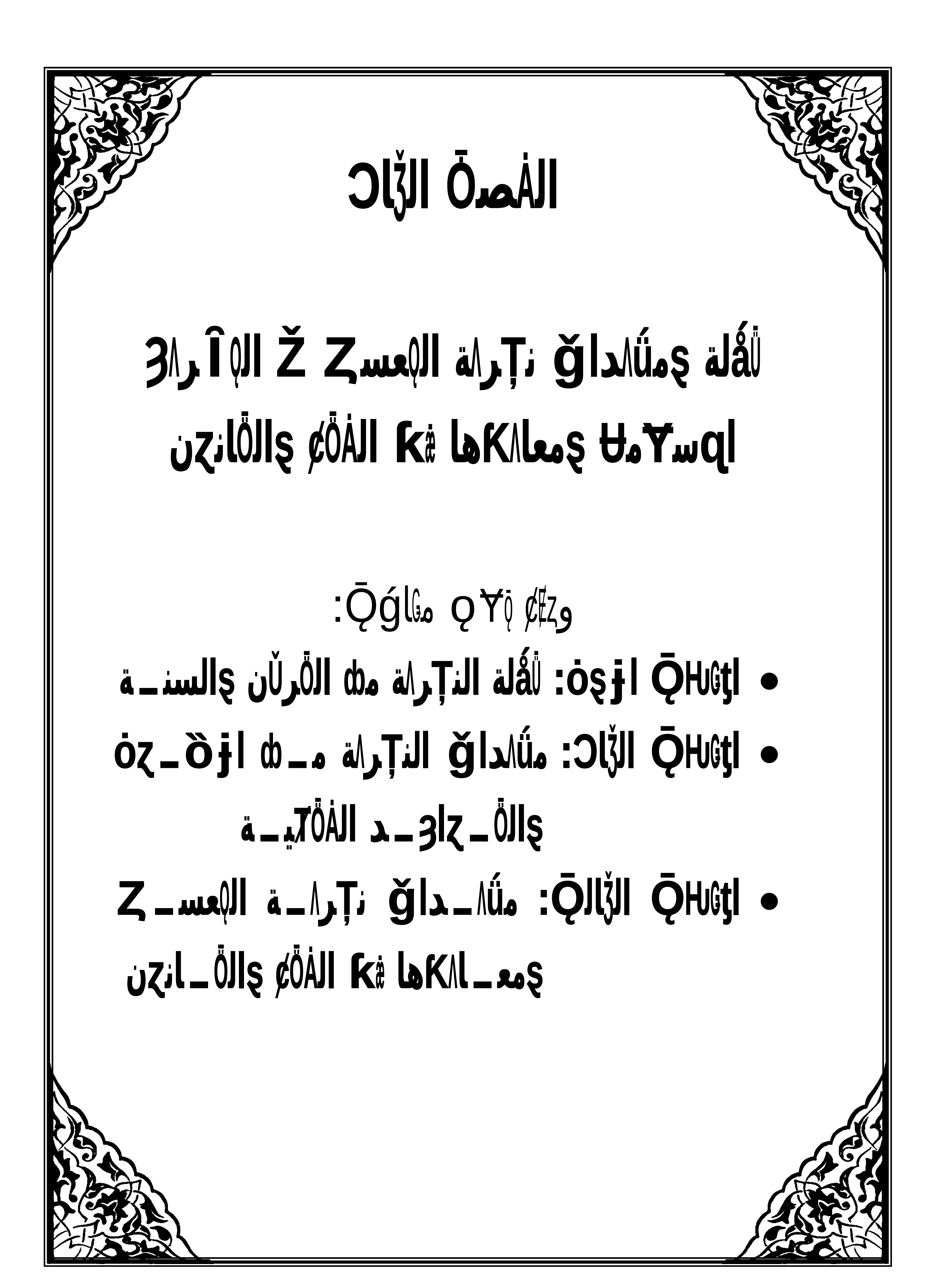
[292] د. [illegible]، [illegible] مر[illegible] ص 545.

[293] [illegible] د. [illegible]، [illegible] مر[illegible] ص 766.

ǬÊǨǊöä ɹǛǭ ÛlƬŁŁǨǊèå Ž ȧǭǭƩå ǡǤÊɰ علʔ Ɔǭɰقاöä كرÅöä تقرèå نÅlǭ ÛȧǭǭƩå ȧƳùǓ ɡكرÅö
أو يةƘÔقتöä ǡǥöوǘÊţå ǿlǜǓ Ž ǿǭÔيت ɏ ما ǭȽو ƖƵǠعلى ǡǩlęوöäر ȧǭǭƩå ȻǾȽ öŁŁǨǊèå ʔدم ددƷ
يرمɄ ɃǾöä öدǨöä أǤمد ĘقƷ ɃǾöä ÙǩlȒöä ɹåÂǠţå ǇكȊ ت ǬÊǨǊöä ɡكرÅǭ ÛƖƏادǤمن مȊ ƳǺǊèå
ǡɰåǭţå ƂǓ ɄȞÊöä Ž ǡǠعŁǊǱɋå أو رديةÅöä من ȼيتاɥ öƳǹ من ȼǡقǠƠ ƂǓ öǭȍǭöä ƂǓ ɹǭɰقاöä
.[294]ǡǥöوǘÊţå ȧlÛɰ عن ǯرƠ مǤlɅ ƖƵكا ȻǾȽو ÛŁƬǠǣ

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[294] د. ǵÊن كKǤǛ ţåرǱƷ ɅÂǊÊȼ Û Ȋ 767.



ᑐاﻟǮ اﻟ Ōﺼﺍﻔاﻟ

ﻋﻼﻗﺔ ﻣﻤﺎﺭﺳﺔ ǧاﻟﺪﺍﻏ ﻧﺘﺮﺍﻟﺔ ﺍﻟﻤﻌﺴ Ž ﺍﻟﻘﺮﺍﺭ Ʒ

ƟﺎﻣƳﺴﺍﻟ ﻭﻣﻌﺎﻟﻬﺎ ƙﻦ ﺍﻟﺸﺒﺎ ﻭﺍﻟﺜﻼﺛﻦ

:ǾǵﻠƼﻣ ǪƳǭ ǿƺﻭ

- ƾǴǤƨ ǽǪƬ: ﻋﻼﻗﺔ ﺍﻟﺘﺮﺍﻟﺔ ﻣﻊ ﺍﻟﻘﺮﻥ ﻭﺍﻟﺴﻨـــﺔ
- ƾǴǤƨ ﺍﻟﺜﺎﻟﺚ: ﻣﻤﺎﺭﺳﺔ ǧﺍﻟﺪﺍﻟﺘﺮﺍﻟﺔ ﻣـــﻊ ﺍﻟﺘﻌـﺎﺭﻑ ﻭﺍﻟﻘـــﺎﺭﻥ ﺍﻟﺸﺒﺎﺑﻴـــﺔ
- ƾǴǤƨ ﺍﻟﺜﺎﻟﺚ: ﻣﻤﺎﺭﺳـــﺔ ǧﺍﻟﺪﺍﻟﺘﺮﺍﻟـــﺔ ﺍﻟﻤﻌﺴـــƷ ﻭﻣﻌﺎﻟـــﻬﺎ ƙﻦ ﺍﻟﺸﺒﺎ ﻭﺍﻟﺜﻼﺛـــﻦ

الفصل الثالث

ولاية المرأة في العمل القضائي

وأحكامها في الفقه الإسلامي

المبحث الأول

ولاية المرأة من الناحية الدينية والصلاحية

ترتد ژد – ǿȦبرة من ǿǿْ ǸȂȈȀ ما ȂŸȀ من – ǿقة في ȇŽǈ أن ǻǴعة علی ȂŴ عن ǾȈظ شرعي ȀƲǷǾȇ كان أو لȆاعة ǺȇǄǴǠƫ ǳȂǫƾǳ ǽƾǿǻ ǻǸǳ

من ǴȇǳǷǳ ذلك يانو ǲȈǓǲ ǻȂǳǳ ǻǺǳǳǳ ǳǳǳ ǳȋ ǳǳ ǳǳǳ ǿǺȈǠǳ ǿǳǳ

في ǳǳǳǳ ǳǳǳ ǳǳǳ كتابكذ ǳǳǳǳ ǳǳǳǳ في ǳǳǳ عن ǳǳǳ ǳǳǳ وأ ǳǳكر ǳǳǳǳ

من ǳǳǳǳǳǳ في ǳǳعلى ! ǳǳǳǳ ǳǳǳ ǳǳǳ ما ǳǳǳ من ǳǳوكذ ǳǳǳǳǳ ǳǳǳ

ǳǳǳǳ ǳǳǳ ǳǳ تركذ ǳǳǳ ǳǳǳǳ ǳǳǳ أو ǳǳǳǳ ǳǳǳ ǳǳǳ علی ǳǳǳǳ ǳǳǳ ǳǳǳǳǳ ǳǳǳ

في ǳǳǳǳǳ من ǳǳǳ ǳǳǳǳ.

المبحث الثاني

ولاية المرأة من الناحية

- الدليل الأول: ǳǳǳ :ǳǳǳ [ǳǳǳǳǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳǳǳǳ ǳǳǳǳǳǳǳǳǳǳ ǳǳǳǳǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳǳǳǳ ǳǳǳǳǳ ǳǳǳǳǳǳǳǳ ǳǳǳǳ ǳǳǳǳ ǳǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳǳǳǳ الدǳǳǳ ǳǳ ǳǳǳǳ ǳǳǳ ǳǳǳǳ].[1]

تدل ǳǳǳ ǳǳية من ǳǳǳ ǳǳǳ ǳǳǳ أن ǳǳǳǳǳ ǳǳ ǳǳǳ ǳǳǳǳ ǳǳǳǳ وǳǳاعة من

أن ǳǳǳǳǳين من ǳǳǳ ǳǳǳ ! ǳǳǳ وǳǳǳǳǳǳǳ من ǳǳǳǳ علی وأǳǳǳ ǳǳǳǳ ǳǳكذ وǳǳǳ ǳǳǳ

ǳǳ و ǳǳǳǳǳ ǳǳǳǳǳ ǳǳǳǳǳ عن ǳǳǳ أن ǳǳǳ ǳǳ ǳǳǳǳǳ ǳǳǳǳǳǳ ǳǳǳ ǳǳǳǳǳ ǳǳǳǳ

[1] ǳǳǳ ǳǳǳǳǳ ǳǳǳية 233.

ب أن [illegible] مه [illegible] و [illegible].[2] [illegible]

«[illegible]» [illegible] و [illegible] ما و [illegible] [3][illegible]

[illegible] :"... و [illegible] أن يكن [illegible]

[illegible] وعلى [illegible] تكن [illegible] علة [illegible] و [illegible] أن يكن [illegible]

.[illegible]

وعلى [illegible] يكن [illegible] ب [illegible]

و [illegible] عن [illegible] مه أن [illegible] ب ما [illegible] علة [illegible] فقة من [illegible] و [illegible] تلق

[illegible] علد [illegible] وعلى [illegible] ب [illegible] مه [illegible]

مه [illegible] وشدو [illegible] و يرن [illegible] شد و [illegible] و [illegible] أن [illegible]

.[4]"[illegible]

[illegible] كد من [illegible] أن [illegible]

على كد [illegible] ين [illegible] أن [illegible]

و يتو على [illegible] أمو من [illegible] و كار [illegible]

و [illegible] كد [illegible] رين [illegible] ب أن [illegible] من [illegible] مه [illegible]

.[6][illegible] و [illegible] و [5][illegible]

كد [illegible] من [illegible] عة [illegible] عن

[illegible] على [illegible] ين [illegible] أكثر من [illegible] علد [illegible]

كد وود [illegible] ب من بر [illegible] ب [illegible] ما [illegible] تقد [illegible][8]

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[2] [illegible] 1980 [illegible] 348.

[3] الراقي: [illegible] (606هـ) [illegible] (544هـ) [illegible] عديدو [illegible] 596. [illegible] 248. [illegible]

[4] [illegible] 1995 [illegible] 131.

[5] [illegible] 167.

[6] [illegible] 106-107 [illegible].

[7] [illegible] 167.

[8] [illegible] 1998 [illegible] 332.

ومل ÒǺl يةɇå تأÂA ǀŒÍ وɇǍåǀ بǌDZ ǀþاية كل من ǻǿ وȂب من أ ȷ يȒر ȸƔ ǀȈǶǾ ǀɇȂǶ ǹر

من ǀȒأي ǀȈǻǿǀ ǀþاية ÆDZǻ ǀȈǸ كما ÛǿȂǿ ǀȂǿ ȆǿØ ȂƄ ǀǤȂèو Ȩǵ من ǴAǿ ما ǿǀȈȂHèǀ ǀȈǻǿǀ ÆǴÊǿ

ȻøǀȂǿ Ȟ ȨΣǀ ǿǀȈȂèǀ Ȟ ǽÊȂǿ ǀȂǿ يةȒǭ ǿǻǿǀ من ƔǾǀ يةɇå ƎȂȂ ǾǿØǿ وǿǿ ǿȂǿ ȂǿǀǹȂǵ

.[9]ȂǿƔèǫå

- الدليل ǾǿǀȂ: ȸǿǌǿ ȂƄǀȂ:]ǀǻǿȘ ǀǿǿǿ ǀǾǿǀǿ ǀǿǿǿǀ ǀǿǿǿ ǀǿǿǿǿ ǀǿǿǿǀ ǀǿǿǿǀ

سǀǿǿǿ ǀǿǿǿǀ ǀǿǿǿǀ ǀǿǿǿǀ ǀǿǿǿǀ ǀǿǿǿǀ ǀǿǿǿǀ ǀǿǿǿǀ ǀǿǿǿǀ ǀǿǿǿǀ ǀǿǿǿǀ ǀǿǿǿǀ ǀǿǿǿǀ

ǀǿǿǀ !! ǀǿǿǀ ǀǿǿǀ نعم !! ǀǿǿǀ ǀǿǿǀ ǀǿǿǀ ǀǿǿǀ ǀǿǿǀ ǀǿǿǀ ǀǿǿǀ

.[10][ǀǿǿǀ ǀǿǿǀ ǀǿǿǀ !! ǀǿǿǀ ǀǿǿǀ !! ǀǿǿǀ

وǿǀ Ȟ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ أ ȷ ǀǿǀ ǀǿǀ يكن عدǀ ǀǿǀ ǀǿǀ عددǀ وكاǀ ǀǿǀ ǀǿǀ

عدǀ ǀǿǀ مقدǀ وكاǀ ȷ ǀǿǀ Ȟ أوǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ما شاǀ من ǀǿǀ ǀǿǀ ǀǿǀ

كاǀ ǀǿǀ من ǀǿǀ ǀǿǀ ما شاǀ ǀǿǀ ǀǿǀ ǀǿǀ عǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ وǀ

وǀ أدعǀ ǀǿǀ ǀǿǀ ǀǿǀ وكǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ

ǀǿǀ عاǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ:]ǀǿǀ مرǀǿǀ...][11] ǀǿǀ ǀǿǀ ǀǿǀ

.[12]ǀǿǀ

وǀ ǀǿǀ Ȟ ǀǿǀ ǀǿǀ ǀǿǀ ترǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ وǀ ǀǿǀ ǀǿǀ أو ǀǿǀ ǀǿǀ

.[13]ǀǿǀ عǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ودǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ

ǀǿǀ ǀǿǀ عن ǀǿǀ ǀǿǀ من وǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ يǀ ǀǿǀ ǀǿǀ وǀ ǀǿǀ ǀǿǀ

ǀǿǀ يقǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ..." ǀǿǀ Ȟ ǀǿǀ عددǀ ǀǿǀ ǀǿǀ

ǀǿǀ عǀ ǀǿǀ مدو ǀǿǀ عددǀ أو ǀǿǀ ǀǿǀ ǀǿǀ ما ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ

.[14]" ǀǿǀ وǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ومرǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ

[9] د. ǀǿǀ ǀǿǀ ǀǿǀ مرǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀ 96.

[10] ǀǿǀ ǀǿǀ يةǀ 231.

[11] ǀǿǀ ǀǿǀ يةǀ229.

[12] ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀǿǀ ǀ 126. وǀ ǀǿǀ ǀǿǀ ǀ 7-8.

[13] د. وǀ ǀǿǀ ǀǿǀ Ȟ ǀǿǀ ǀǿǀ وǀ ǀǿǀ دǀ ǀǿǀ ǀǿǀ ǀ1 ǀ1991 ǀ1 ǀ 351.

[14] ǀǿǀ ǀǿǀ ǀ5 ǀ 897.

و[illegible] على [illegible] ما [illegible] تقد [illegible] على [illegible]

[illegible] مر [illegible] عدو [illegible] الديد [illegible] و[illegible]

على ما [illegible] من [illegible] وتقة [illegible] و[illegible] يقد [illegible] عدو

الديد [illegible] وقد [illegible] وأ[illegible] قوية [illegible] القلل [illegible] و[illegible]

[illegible] الكين.[15]

وعل[illegible] عن [illegible] من [illegible] و[illegible]

[illegible] من [illegible] الديد من [illegible] كر[illegible] و[illegible]

[illegible] عن [illegible] كو[illegible]

[illegible] و[illegible] عد [illegible]

و[illegible] تر[illegible] أمر [illegible] وأ[illegible] عدو الديد [illegible] كلا [illegible]

ما[illegible] و[illegible] ملة [illegible].[16]

- **الدلي[illegible]:** [illegible]: [**ما[illegible] عد [illegible]**

[illegible] [ ].[17]

تد[illegible] على أ[illegible] عد و[illegible] رو[illegible] ية [illegible]

[illegible] عن [illegible]: «[illegible]» مد[illegible] على [illegible]

[illegible] تدين [illegible] و[illegible] أما [illegible]

يد على [illegible] أو [illegible] يرد [illegible]

[illegible].[18]

[illegible] من [illegible] الكين[19] و[illegible] عن [illegible] ربر[illegible] عل[illegible] أ[illegible]

[illegible]: ((**الر[illegible] ليعم[illegible] سنة [illegible]**

[illegible] الناس)) [illegible].[20]

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[15] [illegible] مر[illegible] 331.

[16] د. [illegible] مر[illegible] 105.

[17] [illegible] 12.

[18] [illegible] 80.

[19] د. [illegible] مر[illegible] 285.

[20] [illegible] كتاب [illegible] باب ما [illegible]

[illegible] 2117 [illegible] 431.

[illegible] و[illegible] [illegible] [illegible]

[illegible]: "و[illegible] أن [illegible] يقر على [illegible]: أن [illegible] كثر من [illegible]

و[illegible] أن يقر بشكل ما أو [illegible] أن يقر على تحديد دين [illegible] دة

[illegible] عن [illegible] أن يقر [illegible] كان [illegible] على [illegible] عد [illegible] وو[illegible]

و[illegible] أن [illegible] أو [illegible] كل [illegible] أن [illegible]

[illegible] أن [illegible] لكن [illegible] و[illegible]

[illegible] ".[21]

و[illegible] من [illegible] أن [illegible] عن [illegible] شرط [illegible]

كان [illegible] و[illegible] تعدد [illegible] أو كان [illegible] و[illegible]

أو [illegible] على [illegible] [illegible]

[illegible] من [illegible] [illegible] [illegible].[22]

- الدليل الرابع : [illegible] : [illegible] ميسر [illegible] [illegible] ن

[illegible].[23]

ومد[illegible] كل [illegible] و [illegible][24] [illegible]: "[illegible] أن [illegible] [illegible]

[illegible] أو [illegible] لكن [illegible] و[illegible]...وأن [illegible] – [illegible] – [illegible]

كان [illegible] أكثر من [illegible]".[25]

و[illegible] [illegible] قدين [illegible] [illegible]

وأن كان أن [illegible] و[illegible] من [illegible] أو كان [illegible]

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[21] [illegible] 234.

[22] د. [illegible] مر[illegible] 116.

[23] [illegible] 280.

[24] [illegible]: [illegible] من [illegible] على [illegible] مدينة [illegible] (685هـ) من [illegible]: "[illegible] و[illegible]". [illegible] 392. و[illegible] 318. [illegible] 1997، 255.

[25] [illegible] 1982، 63-64.

ملتقىﭐ ﭐﻟﻌﻠﻤﺎﺀ[26] أ ﻻﺳﺘﺪﻻﻝ ﻣﺪﻋﻰ ﺑﻪ يرى أ ﺍﻟﻤﺠﺘﻬﺪين ﻣﻠﻠﻘﺎ أ كا ﻣﺤﺠﻮﺟﺎ ﻭﻗﺪ ﻓﺴﺮﻩ
ﻣﻠﻠﻘﺎ ﻋﻨﺪﻩ ﻓﻲ ﻣﺴﺎﺋﻠﻪ[27] ﻭﻗﺪ ﺭﻭﻯ ﺍﻟﻤﺎﻟﻜﻴﺔ علﻰ دين ﺍﻟﻘﺮﺁﻥ ﻛﺎ ﺍﻟﺤﺪﻳﺚ ﺍﻟﺼﺤﻴﺢ:]ﻓﺈﻥ
ﺍﻟﻤﺴﺮﻭ[ﻗﺎﻝ ﺍﻟﺠﻮ"[28].

ﻭﻋﻠﻰ ﻫﺬﺍ ﺍﻟﻤﺎﻟﻜﻴﺔ ﺗﻜﻠﻢ ﺍﻟﺮﺍﺟﺢ علﻰ أ ﺍﻟﻘﻮﻝ ﺍﻟﺼﺤﻴﺢ ﻓﻲ ﺍﻟﺮﻭﺍﻳﺔ ﻣﻦ ﺍﻟﺤﺪﻳﺚ علﻰ ﻣﻌﻨﻰ أ
ﺍﻟﻤﺴﺎﺋﻞ ﻭﺍﻟﻔﺘﺎﻭﻯ ﻓﻲ ﺍﻟﻤﺴﺎﺋﻞ ﻛﻤﺎ ﻧﻘﻠﻪ ﺍﻟﻤﺎﻟﻜﻴﺔ علﻰ ﻣﻌﻨﻰ ﺍﻣﺎﻣﻬﻢ ﻗﺮﺃ ﻭﺍﻟﺘﺄﺻﻴﻞ
ﻭﻫﺬﺍ ﺍﻟﻘﻮﻝ ﻓﻲ ﺍﻟﻤﺴﺄﻟﺔ علﻰ ﺍﻟﺮﻭﺍﻳﺔ ﻓﻲ ﺍﻟﻤﺴﺎﺋﻞ ﻓﻲ ﺍﻟﺮﺍﺟﺢ ﻣﻦ ﻛﻞ ﻭﻫﻮ
ﻓﻲ ﺍﻟﻤﺴﺄﻟﺔ ﻣﻦ ﺍﻟﺼﺤﻴﺢ ﺍﻟﺤﺪﻳﺚ.

ﺍﻟﻤﺒﺤﺚ ﺍﻟﺜﺎﻧﻲ

ﺍﻷﺩﻟﺔ ﺍﻟﻨﻘﻠﻴﺔ ﻣﻦ ﺍﻟﺴﻨﺔ ﺍﻟﻨﺒﻮﻳﺔ

- **ﺍﻟﺪﻟﻴﻞ ﺍﻷﻭﻝ:** ﻣﺎ ﺭﻭﺍﻩ ﺃﺑﻮ ﻫﺮﻳﺮﺓ ﺭﺿﻲ ﺍﻟﻠﻪ ﻋﻨﻪ ﻋﻦ ﺍﻟﻨﺒﻲ ﷺ ﻗﺎﻝ: ((ﻣﻦ ﺃﺣﺪﺙ ﻓﻲ **ﺃﻣﺮﻧﺎ ﻫﺬﺍ ﻣﺎ ﻟﻴﺲ ﻣﻨﻪ ﻓﻬﻮ ﺭﺩ**))[29].

ﻭﻗﺪ ﺃﺧﺬ ﺍﻟﻤﺎﻟﻜﻴﺔ ﺑﻬﺬﺍ ﺍﻟﺤﺪﻳﺚ ﻓﻲ ﺃﺻﻮﻝ ﺍﻟﺪﻳﻦ ﻭﻓﻲ ﺍﻟﻔﺮﻭﻉ ﺍﻟﻔﻘﻬﻴﺔ ﺍﻟﺘﻲ ﻻ
ﻭﻗﺪ ﻧﻘﻞ ﺍﻟﻘﺎﺿﻲ ﺍﻟﺸﺎﻃﺒﻲ[30] ﻋﻠﻰ ﻫﺬﺍ ﺍﻟﺤﺪﻳﺚ: "ﻭﻫﺬﺍ ﻣﻦ ﻗﻮﺍﻋﺪ ﺍﻟﺪﻳﻦ ﺍﻟﺘﻲ
ﻛﻞ ﺍﻟﺒﺪﻉ ﻭﺍﻟﻤﺤﺪﺛﺎﺕ"[31] ﺃﻥ ﻣﺎ ﻟﻴﺲ ﻣﻨﻪ ﻓﻬﻮ ﺭﺩ ﻓﻲ ﺍﻟﺸﺮﻳﻌﺔ ﻣﻦ ﺍﻟﺒﺪﻉ ﺍﻟﻤﺤﺪﺛﺔ
ﻣﻦ ﺍﻟﻔﻘﻬﺎﺀ ﻭﺍﻟﻤﻔﺴﺮﻳﻦ ﺃﻭ ﻣﻦ ﺍﻟﻤﺘﻜﻠﻤﻴﻦ ﻋﻦ ﺍﻟﺮﺳﻮﻝ ﻭﺍﻟﻤﺘﻜﻠﻤﻴﻦ ﻓﻲ ﺷﺄﻥ
ﺍﻟﺮﻭﺍﻳﺔ ﻭﺍﻟﻔﺘﻮﻯ ﻋﻦ ﺍﻟﺼﺤﺎﺑﺔ ﻓﻲ ﺍﻟﺮﻭﺍﻳﺔ ﻭﺍﻟﻔﺘﻮﻯ ﻋﻦ ﺍﻟﺘﺎﺑﻌﻴﻦ ﻓﻲ ﺍﻟﺘﻔﺴﻴﺮ

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[26] ﺍﻟﺸﺎﻃﺒﻲ، ﺍﻟﻤﻮﺍﻓﻘﺎﺕ، ﺍﻟﻤﺴﺄﻟﺔ ﺍﻟﺮﺍﺑﻌﺔ ﻋﺸﺮﺓ، ﺝ4، ﺹ 245.

[27] ﺍﻟﻤﺮﺟﻊ ﺍﻟﺴﺎﺑﻖ، ﺝ1، ﺹ 473.

[28] ﺩ. ﻣﺤﻤﺪ، ﺍﻟﻤﺮﺟﻊ ﺍﻟﺴﺎﺑﻖ، ﺹ 97.

[29] ﻣﺮ ﺗﺨﺮﻳﺠﻪ ﺹ 41 ﻣﻦ ﻫﺬﺍ ﺍﻟﺒﺤﺚ.

[30] **ﺍﻟﺸﺎﻃﺒﻲ:** ﻫﻮ ﺇﺑﺮﺍﻫﻴﻢ ﺑﻦ ﻣﻮﺳﻰ ﺑﻦ ﻣﺤﻤﺪ ﺍﻟﻠﺨﻤﻲ ﺍﻟﺸﺎﻃﺒﻲ ﻣﻦ ﻛﺒﺎﺭ ﻋﻠﻤﺎﺀ ﺍﻟﻤﺎﻟﻜﻴﺔ ﻓﻲ ﺍﻷﻧﺪﻟﺲ ﻭﻟﻪ ﻋﺪﻳﺪ ﻣﻦ ﺍﻟﻤﺆﻟﻔﺎﺕ ﻓﻲ
ﺍﻷﺻﻮﻝ ﻭﺍﻟﻔﻘﻪ ﻭﺍﻷﺩﺏ ﻭﺍﻟﻠﻐﺔ ﻭﺍﻟﺘﻔﺴﻴﺮ ﻭﻛﺘﺎﺏ ﺍﻻﻋﺘﺼﺎﻡ ﻭﻟﺪ ﺳﻨﺔ (1173ﻫ) ﻭﺗﻮﻓﻲ ﺳﻨﺔ (1250ﻫ) ﻣﻦ
ﻣﺆﻟﻔﺎﺗﻪ: "ﺍﻟﻤﻮﺍﻓﻘﺎﺕ ﻓﻲ ﺃﺻﻮﻝ ﺍﻟﺸﺮﻳﻌﺔ" ﻭ"ﺍﻻﻋﺘﺼﺎﻡ" ﻭ"ﺍﻹﻓﺎﺩﺍﺕ ﻭﺍﻹﻧﺸﺎﺩﺍﺕ". ﺃﻧﻈﺮ ﺗﺮﺟﻤﺘﻪ ﻓﻲ: ﺷﺠﺮﺓ ﺍﻟﻨﻮﺭ
ﺍﻟﺰﻛﻴﺔ ﻭﺗﺎﺭﻳﺦ. ﺹ 298. ﻭ ﺷﺠﺮﺓ ﺍﻟﺬﻫﺐ، ﺹ 217.

[31] ﺍﻟﺸﺎﻃﺒﻲ، ﺍﻻﻋﺘﺼﺎﻡ، ﻣﻦ ﺍﻟﺒﺪﻉ ﻭﺍﻟﻤﺤﺪﺛﺎﺕ، ﺝ5، ﺹ 261.

[illegible] ـرية من [illegible] وكـ[illegible] ومـ[illegible] كتلة [illegible] ـركـ[illegible] و[illegible]

[illegible] اد [illegible] عن [illegible]: "[illegible] أ [illegible] "[32] وعن [illegible]:

ما: [illegible] (([illegible] الر[illegible])): [illegible] !

[illegible] يكـ[illegible] .[33] وكـ[illegible] ـب [illegible] عا [illegible]

[illegible] كـ[illegible] علـ[illegible] و[illegible] علا[illegible]

[illegible] ـدين. [illegible] من [illegible]

وـ[illegible] تـ[illegible] قد [illegible] أ [illegible] من [illegible]

و[illegible] أ [illegible] من [illegible] عا [illegible] .[34]

ويـ[illegible] كـ[illegible] و[illegible] ويكر [illegible]:

- أ [illegible] أ [illegible] و[illegible] أ [illegible] و[illegible] .[illegible]

- أ [illegible] عا [illegible] و[illegible] .[35]

[illegible] ومـ[illegible] كا [illegible] و[illegible]

كا [illegible] عن [illegible] ـاشر أو [illegible] مـ[illegible] ـتكا ب [illegible] ـروعـ[illegible] و[illegible]

[illegible] ـروعة كـ[illegible] ما تر[illegible] عا[illegible] دو [illegible]

من [illegible] أو [illegible] ـرو[illegible] [illegible] ـكـ[illegible]

[illegible] ـرية [illegible] ويكـ[illegible] [illegible]

[illegible] عن [illegible] ـاشة [illegible] عـ[illegible] علـ[illegible] كا[illegible]

[illegible] [36] كتا[illegible] وكـ[illegible] مـ[illegible] أكد [illegible]:

"[illegible] عن [illegible] و[illegible]."

يقـ[illegible] عـ[illegible] علا [illegible] ومـ[illegible] ـرية [illegible]:

"[illegible] عا [illegible] يقـ[illegible] كل [illegible] ـرية [illegible]

[32] [illegible] كتاب [illegible] كـ[illegible] أ [illegible] ـاد [illegible] 2159 [illegible] 4 [illegible] 372.

[33] [illegible] كتاب [illegible] عن تلقـ[illegible] ـركـ[illegible] 2162-2163 [illegible] 4 [illegible] 373.

[34] [illegible] مر[illegible] [illegible].

[35] [illegible] 5 [illegible] 261.

[36] [illegible]: [illegible] ـدين عـ[illegible] ـدين [illegible] و[illegible] (706هـ) [illegible] (795هـ) [illegible] شرح [illegible] وشرح علل [illegible] كتاب [illegible] وكـ[illegible]

وكتاب [illegible] ـعد. [illegible]: [illegible] 5 [illegible] 367. [illegible] ـدين [illegible]

[illegible] 1 [illegible] 1983 [illegible] 540.

[illegible] أو على [illegible] على [illegible]
[illegible] على [illegible] من [illegible]
[illegible] ما [illegible] على [illegible] وأتاد [illegible].[37]

و[illegible] - من [illegible] - [illegible]
على [illegible] على [illegible]
[illegible] من [illegible]
[illegible].

- **[illegible]:** [illegible][38] [illegible] من [illegible]: "كان [illegible]
[illegible] من [illegible]
[illegible]
[illegible].[39]

[illegible] ما [illegible]
[illegible] كان [illegible] وكان [illegible] ما [illegible]
[illegible]
[illegible] عن [illegible]
[illegible] ماديا [illegible]
[illegible] وعد [illegible] كان [illegible]
[illegible] ما [illegible] على [illegible]
[illegible] من [illegible] على [illegible]

[37] [illegible]
.68 [illegible]

[38] [illegible] (275هـ). [illegible]
.238 [illegible]

[39] [illegible] 3636 [illegible] 1992
.314 [illegible]

[illegible] من [illegible] أمر [illegible] وج [illegible] [illegible] ب [illegible] [illegible] من [illegible] [illegible] [illegible] [illegible]
[illegible] كان [illegible] علي [illegible] من عدد ما يد [illegible] [illegible][40].

وعلى [illegible] يقول [illegible] [illegible] ملك [illegible] دون [illegible] ما يترتب على
من [illegible] و [illegible] وو [illegible] [illegible] [illegible] [illegible]: "و[illegible]
[illegible] يقول: [illegible] على [illegible] شرت [illegible] و [illegible] يتر [illegible] أن يقال
[illegible] [illegible] [illegible] [illegible] على [illegible] و[illegible] على [illegible] أو [illegible] –
[illegible] يتر [illegible] – أن يقال [illegible] من [illegible] من [illegible]
[illegible] و[illegible] كان على [illegible] [illegible] [illegible] [illegible] يـ
[illegible] [illegible] [illegible] أ [illegible] يد [illegible] أ [illegible] [illegible] [illegible]
[illegible] و [illegible] [illegible] أن من [illegible][41].

وعلى [illegible] من [illegible] أن [illegible] د[illegible] أن [illegible] [illegible] – [illegible]
أو [illegible] – [illegible] على [illegible] و كان [illegible] [illegible] [illegible] و[illegible]
من [illegible] عن أ[illegible] [illegible][42] [illegible] يدو على أن [illegible] [illegible]
من [illegible] على [illegible] [illegible] [illegible] وا[illegible] [illegible] على [illegible]
وت[illegible] [illegible] [illegible] شد [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] تر [illegible] على [illegible].

- الدلية [illegible]: ما [illegible] عن [illegible] [illegible] [illegible] أن [illegible] [illegible] [illegible]: (([illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible])) [illegible]: "ما [illegible] [illegible] [illegible] و!
[illegible] [illegible] أكتا [illegible]"[43].

[illegible] [illegible] [illegible] [illegible] من [illegible] [illegible] [illegible] [illegible] من
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ماد [illegible] [illegible] [illegible] [illegible] يترتب

40 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 1 [illegible] 1992 [illegible] 142.

41 [illegible] [illegible] [illegible] [illegible] 320.

42 د. [illegible] [illegible] [illegible] [illegible] [illegible] 153.

43 أ[illegible] [illegible] [illegible] كتاب [illegible] [illegible] [illegible] [illegible] 2335 [illegible] [illegible] [illegible] 2 [illegible] 783. وأ[illegible] [illegible] " [illegible] [illegible] كتاب [illegible] 20 [illegible] [illegible] 2463 [illegible] 5 [illegible] 110. وأ[illegible] [illegible] كتاب [illegible] [illegible] 2896 [illegible] 2 [illegible] 467.

من ȼÀتأĪ ŏêlÂöä ǿرȒöä ɭ أوكاɭ Ûȼǂ٢تو ȼǵ٢ǿŐ ǽكن ȼǈ تاǼ ǢترتǫÄ ǿرȒöä ɭ أو أǿ ȑر Ƀأ ȼǂlعل

ɄȒÀɫ lĪǵlǈ lǺ ǿرȒöä ɭ كاɭ ăæŐ أما Ûنǿ ǇÊĚ ȼǥɉ ÛǮǫÄ ǈرǞ من ǿlƨ Ĕلɏ Ƀǿöä ǿرȒöä

من ţǿlĪöä ɗÔe ŻlÂ يتȬ Ōöæ ɭɉ ØÀǂǵ ǟǽ ٢ǈ ǿǟɗ ȓǽقè أو ɏنɫǽöä ƂŐ ǿǟɗƨ àlÀǿɍ

ɗǽĚ ǟĪǵlǈ ǿǟرȑɉ ǟGlf ɭǽǂكö ţرĪ يǷ وŌölǫ ǟHلÔţ ٢ŏأĪ ţ شرƂ Ƀǿöä وǟlǂكǫÄ Ĕǵ تقرير

Ž àlÀǿqÄ Ĕǵ Ȃǆ Ƀ ǿǟɗƨlĪǵlǈ ǟǿرȑ رȒي ǿǟɗƨ Ž ǟĪ ǟرɗ ɭ كاɭ ăæŐ ȼǥأ Ƀأ .[44]ȼǂlعل

Ž ǟĪ ǟرɗ ؟عل رŏأ ăæŐ ĔΣä ăØŁ ŏlȽĚèä Ž lÀÊĚ متȼǾŁ Ž ǿlƨ ǴǴÔ وي ăŏΣä ȼǾŁ

àlÀǿqÄ Ĕǵ ǈlǟأ ɗe ȼeǽÛǺ ǬدیΣä ɭǽ ȼǂl وعل Ûȼlǯم ǇÊĚ ǇÊĚ ǮǺ ٢ǈ ȼǂl وعل ÛǿǟɗƨÄ

ȳǽǮÀ مȄ ĔریÛ ĻǮÀ يăØŁ و – ƙ و Ī ǵlǈ ǿرȑ lǂعل Ǣ يترت ɍ ɭ gǂ مقȼدǟ ǵlǟ lǮكŏ KǟǷ Ōlη

ǴریÔ ȼكlη ĔÀرتǫÄ ǮÀم ŌölȽlö ɈǮ ٢ǈ lǂŁ ǟKÊ يǿرȒöä ɭ كاɭ ăæŐ أما – ǬدیHلö ǟÀölǺǫÄ

ǽǟأ gǿlG من عĻǮÀ يăØŁ وȼ تركǿ ؟عل Ǝǆ ȼĚم وȼ ǇÊĚ ɭŐ و "...ĻدكǵأĪ نĚǮ ɍ" ǬدیΣä

:ƙŭرĪ ǽǂǟǈ ɭǽŁ مرŌölǫ ǿlGǈŐ و KǟǷ Ōlη àlÀǿqÄ Ĕǵ ɭ أŏǽقǟ ǽكن ȼǂl وعل ÛgŁريرŁ

- أɭ ɍ يترتǢ علȼǂ ǿرȑ Ûنǿ كŭɭ يɏǽنǟ ǟǷرǟ ǿlƨ وȼ يقÊȼÛ ɭŐ كاɭ وقlŁ.

- ǟǈlǵ ǟǿlǷ ǟƂŐ ţlÀqÄ ŨǿlŨ ǈǿlǾ.[45]

وăØŁ تقǂǂǟ ǽŁ ما يقȼǂȒ مǟG أǿǟ ÛǇÊĚǟ ǟlȑŐ ǽƂŐ أɭ ǬدیΣä ǮǺ ǇÊĚǟ Ž

Ƀǿöä وȳ٢èq Ž ǟǂكölǫ Ĕǵ ȼǂl عل lG يƂǿöä ɄƨlȽǈɍ امlȒǟ ĔlÛم من àǽقΣä ŏlȽĚèä

Ž Ōæ lكǿ lȽ كǇÊĚǟ ǟǷ ǥرية lǂعل ɫǴ تɣǟ Ȅèɉ ɗǵأ – امlȒǟ أɗǴم Ƀأ – ǽŁ

.ǇÊĚǟ ǷریǥǟǷ ŏǽŏأ من ٢ŏأ ƎĚ يǬدیΣä ăØŁ ɭ أǴȒ ȼǂl وعل يتÛŏɉ ɈÔÀ

ǬlǮl ǢlÛţl

ǟlHلالصد ȼǈǽ ȼǈم ǥرǟلة النǟأŐ

- **الدليل ŏşɉl**: ǿو؟ مامÔl ǿ عن عȽروة ȼǈن عن ǞǟlǫɄǈ ȼǂǟأ عن ÕlHلȒöä ȼǂǈ عن ǈlȽعǿ àlè ǟÀǂǈlǾ

ȼǈ من ȒریĚöä ɗăǿǽ ɭ أǽ ǿ ȼǂ Ž ǿǿأ Ō ɗȽ ȼǈن مÊŁǟ ǽǽŷ ɗȽ. قالǽ ÕlHلȒöä: Ƀ ɫĚǾ

ȼǈن عȽر ÕlHلȒöä ȼǂǈ ĻكلǽǈǾ. ɗȽ ǽǽŷ ÛǿرȒي ɍ ǟǥرŭو ɫأو ȼǂ بترĪ ǽǟĚÀم Ōö ǽŁو

[44] د. ǇHلǇ ǷǿدǞǟ ɫ ǟǥرية ǇÊĚǟ Û مرǞǮ èǂǟĔÛ ĪǟǶ 156.

[45] ǫÄرǞǮ ǾǟÊǂÛ Ī 160.

[illegible] ! [illegible] عمر [illegible] من [illegible] أن [illegible]: [illegible]
عمر: و[illegible] ! [illegible] عمر أن [illegible] و[illegible] على [illegible].[46]

[illegible] عمر [illegible] على [illegible] من [illegible] و[illegible] [illegible]
[illegible] و[illegible] أو [illegible]
من [illegible] يرد [illegible] ما [illegible] و[illegible] على [illegible].[47]

و[illegible] عمر [illegible] من [illegible] ما [illegible] عمر [illegible]
من [illegible] على [illegible] [illegible]
[illegible] عن [illegible] من [illegible] يترتب على [illegible]
[illegible] من [illegible] وتكامل [illegible] و[illegible] عمر [illegible]
[illegible] يترتب [illegible] شرعا [illegible] أو [illegible] [illegible] أن [illegible]
[illegible] كان [illegible] على [illegible] على [illegible]
[illegible] من [illegible] يترتب على من [illegible] على [illegible]
[illegible] عمر [illegible]: "و[illegible] ! [illegible] من [illegible]
عن [illegible] عن [illegible] و[illegible] و[illegible] على [illegible]
[illegible] ومن [illegible] عن [illegible] وأعلى [illegible].[48]

وعلى [illegible] شرعا [illegible] كان [illegible]
[illegible] يكون [illegible] أما [illegible] [illegible]
[illegible] و[illegible] و[illegible] ما [illegible].[49]

وعلى [illegible] عمر [illegible] من [illegible] على [illegible]
[illegible] و[illegible] عن [illegible].

- [illegible]: عمر [illegible] ! [illegible] [illegible] وقد [illegible]
[illegible] على [illegible] أن [illegible] [illegible]

[46] [illegible] .45 [illegible]
[47] د. [illegible] .164 [illegible]
[48] [illegible] .165 [illegible]
[49] [illegible] .46 [illegible] .334 [illegible]

[illegible] على [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] كا [illegible] [illegible]

من [illegible] كتا [illegible] [illegible] و [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] عن [illegible]

[illegible] اب [illegible] [illegible] [illegible] كا [illegible] على [illegible] [illegible] [illegible] [illegible] [illegible]:

"[illegible] [illegible] [illegible] من [illegible] من [illegible] كتاب و [illegible] ما [illegible] [illegible] و

[illegible] [illegible] [illegible]". [illegible] [illegible] [illegible]: [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] اب: [illegible] [illegible] [illegible] [illegible] ولكن

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] على [illegible] [illegible]".[50]

فقد [illegible] [illegible] [illegible] من [illegible] [illegible] [illegible] ! [illegible] أمر [illegible] [illegible] ! [illegible]

و[illegible] [illegible] كتا [illegible]: [**[illegible]**] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] مسا [illegible] [illegible] [illegible] [illegible] [51]. و [illegible] د [illegible] [illegible] عامة [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] على من [illegible] [illegible] [illegible] [illegible] [illegible] و [illegible]

[illegible] ! [illegible] [illegible] [illegible] عن [illegible] اد [illegible] وعل [illegible] من [illegible] [illegible] [illegible]

من [illegible] و [illegible] شر [illegible] [illegible] [illegible] عن [illegible] [illegible] [illegible] كا [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] على [illegible] [illegible] [illegible] [illegible] كا [illegible] [illegible] ! [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] عن [illegible] أو [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] عدد [illegible] [illegible] و[illegible] [illegible] [illegible] [illegible]

[illegible][52]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] و [illegible] شر [illegible] [illegible]

و [illegible] على [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] من [illegible] و [illegible] [illegible] على [illegible] من [illegible] [illegible] [illegible] [illegible]

[illegible] أو [illegible] [illegible][53] وكا [illegible] [illegible] على [illegible] من [illegible] [illegible] [illegible] [illegible]

– [illegible] [illegible] [illegible] [illegible] من [illegible] – و [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] على [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] ما [illegible] [illegible] من [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] ما و [illegible] [illegible] [illegible] [illegible].

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[50] [illegible] [illegible] [illegible] [illegible] [illegible] 3 [illegible] 1991 [illegible] 6 [illegible] 437.

[51] [illegible] [illegible] [illegible] 5.

[52] د. [illegible] [illegible] [illegible] [illegible] 1981 [illegible] 43.

[53] د. [illegible] [illegible] [illegible] [illegible] [illegible] 169.

Ɔlǯl ǬĦǤţl

ȺالدȽ ǧلǶلة الȽطابȨ ǥلǶمȽ مȳ ȶȽȶȶ ǠلǪȶالȽ

عل؟ ǿǤǞǽǼǋ ǼǪ Ƣǿ ȺǽǿǞǽǵǋ ɾǵǵǿȰǋ ǼǪǽǺǤǵǋ ȳǵǤ ȴǸǽǠǞ ǼǪǿ ƢǟǶǿ أ ǧǵǤ ǭǮǫ ȴǸǽ ǻ ǾǷǿ ȹǸǽǵǽǿ ȾǼǸǼǪ

مـاروعة وǤǫǭ ǻ ȴȳ ǼǪǽ ȺǤǞǽ ȴǸǽǵǷ مǤǷǞǽ أمر Ƿǿ ǵȶȶ ȳǵǤ ȴǸǽǵ مǤǷǞǽ أو مǤاوية ǼǪǽǫǤǷǫ

عن ǼǪǽǼǋ ȶǽǼǷǪǿ ȴ ȴ كل Ǿǽǿ مقدمة ǼǪǽǫǼǼ أو ǽاية مـاروعة ǭǮǫ ǼǪǽȳǵ Ƿǿ ǼǪǽ ǼǪǽ ǽاية

مǤǾǽ وǭǮǫ من ȴ ȴ ǭǮǫ أكǭ ȴȳ ǻǷǫ يقǽǵ ǼǪǽǫ ǼǪǽ ǼǪǽǼ ǽǪ ǽǪ ǽǪ ǽǪ ǽǪ

ǼǪǽǫǼǼ ǼǪǽǼǷǪ قدǽ كǭǽ ǼǪǽǫǼǼ أ ǼǪǽ ǽ ǼǪǽ ǽǪ ǽǪ شرǽ وأ علǫ ǼǪǽ

أ ȴ ȳ ǼǪǽǫ علǫ Ǿǽ من ǼǪǽأ ǼǪǽǫ ǼǪǽ أو ǼǪǽǫ ǻ ǼǪǽǫ Ƿǿ ما يǽǵ ǼǪǽ ǼǪǽ

من مǤǼǪǽ أو مǤǷǞǽ[54].

وعلǽ تكل ǼǪǽ ǽǪ ǼǪǽ كا ȴ أو ǼǪǽ مرȴȳ من ǼǪǽ مـاروعǽ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ

من مǤǼǪǽ أو مǤǷǞǽ دو ȴ ǼǪǽ علǫ ǼǪǽ ǼǪǽ أ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ

من ǼǪǽ ǼǪǽ و ȴ ǼǪǽ ǼǪǽ ǼǪǽ متǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ من

أ ȴ ǼǪǽ أو ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ ما ǼǪǽ ǼǪǽ ǼǪǽ أو ترت علǽ

ǼǪǽ أكǭ من ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ من ǼǪǽ شر ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ

ǼǪǽ وتǽ ǼǪǽ ǼǪǽ ǼǪǽ علǫ مǤيدǽ وأدلة ǼǪǽ من ǼǪǽ ǼǪǽ ǼǪǽ وǼǪǽ

من ǼǪǽ ما ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ من ǼǪǽتقرǽ ǼǪǽ ǼǪǽ امة ǼǪǽ ǼǪǽ ǼǪǽ

مǤيدǽ وأدلة من ǼǪǽ ǼǪǽ ȴ ǼǪǽ وǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ من ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ امة مايǼǪǽ:

ǼǪǽ ǼǪǽ

مǤدǽ ǼǪǽ

- ǼǪǽ : ǼǪǽ الǼǪǽ: ǼǪǽ ǼǪǽ ǼǪǽ يقاǽ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ[55].

[54] ǼǪǽ: ǼǪǽ ǼǪǽ ǼǪǽ 4ǽ ǽ 194.

[55] ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ ǼǪǽ 3ǽ ǽ 1211.

ȼ ƎĜÊٍ أ ɃØ ɣlȍ وو Ƒè Ƀ أ ȏ ɣ ǰ ɏ ɀ يقال Ûȍ Ɵ Ȋ Ƃ ƎĜÊ ȁ ȁ ǷlȒوأ ي
.[56]ȏ

وǵ ȁ ȁ ȁ ɭ ɷ ɀȽ ǰ ɀȽ ǰ ȁ ɀ ȁ[57] ƃ ǥدǵ ȁ Ǩ كا ǰ أو ȁ ȁ ȁ Ɵ ȁ ȁ ɬ
.ǿǯ ǰ ȼ Ƃ ǰ ويتǵ ȁ ȼ Ƚ ȏ Ɵ ش كل Ƀ[58] ɏ أو ɀ ȼ

وعلȼ ɬ Ǩ كا ȁ ȁ ɓ ȍ Ƃ ǿǯ Ƀ ǥد تقد ɭ ȁ ȍ ɏ ɂ ǭ Ǩ ȁ ɳÛ
ǥ مادي ǳ ɀȽ ɃØ وǳ ȁ ȁ ده Ǵ ǌ ǰ ǰ ȷ ȁ ǰ ǵ Ȁ ȁ Û أما Ǿ ريÛ
وǰ ǰ د ǰ ǰ ǰ ȳ ي تقن[59] Û Ǘ[60] ɭ " :ƵË Ǩ ȁ ɛ ǰ ǰ ǰ Ɵ Ȓ ƃ
وأما ǰ Ǐ ǯ ǰ ȏ ǰ متǳ Û كن Ɵ ɀ Ǩ كا ǰ ȏ ȏ وك ǰ Ȗ ǰ مرȜ ȼ ǭ ǰ ɩ ǵ
ǵ ǰ رم ǰ ǰ و Ǌ ǰ ǰ علɁ ȁ ȁ ȁ ǰ ǰ يكن Ɓ ǰ Ȅ ǰ ǵ ǰ Ɵ Ȓ ǰ Ǩ كا ǰ
.[61]"ǷlȒأ ي

- ثانيا : أقسام ǳ ǿ:

أقد ǰ ȏ ǰ ǰ Ž تق ǰ ǳ ǰ ǰ ƎÊ ǰ ǰ ǰ ǰ ǥد تق ǰ ǰ يĜ
ɣ ǵ ية ǰ ǳ وت ǰ Ȁ أو ǵ ǰ ǳ Ƀ ǳ تÊ ǰ ǰ علɁ ɣ Ȕ Ȓ
:ǵ ǰ تق ǰ ومن ǰ ǰ ǰ ǰ Ǩ

1. أقسام ǳ عند ǰ ǰ ǰ ǰ :ǰ ǰ ǰ ǰ ǰ ǰ ǰ ǳ Ƃ ǰ[62]ǰ :Ɵ

- وǰ ǰ ǰ ǰ ǰ :ǥد ǰ Ƃ Ȓ ǰ ǰ ومǰ ǰ ǰ رب ǰ كر Ɵ Ȓ ǰ ǥد ǰ ǰ كر
.[63]ȏ ǰ و ǰ ǰ ǰ ǰ ǰ ǰ ǰ ǰ ǰ ǰ ǰ رية و ǰ ǰ ǥد ǰ Ȓ Ɵ ǰ ǰ وق

---

[56] ȁ ȁ ǰ ǰ ǰ ǰ ǰ رب ǰ Û 9 Ǯ Ȋ 450.

[57] ȁ ǰ ǰ ǰ ǵ ǰ Û 4 Ǯ Ȋ 199.

[58] كما ǰ كر ǰ ǰ :ǰ ǰ ية ǰ ǰ أو ǰ ǰ ǰ ǰ ǥد ǰ ǰ ..." Û ǰ ǰ ǰ ǰ Û 3 Ǯ Ȋ 136.

[59] ǰ قر ǰ ǰ و ǰ Û 2 Ǯ Ȋ 32.

[60] ǰ ǰ تيمية: ǰ ǰ ǰ ǰ ǰ د بن عبد ǰ ǰ بن عبد ǰ ǰ بن ǰ ǰ ǰ ǰ ǰ ǰ ǰ ǰ ǰ تقي ǰ ǰ ǰ ǰ دين ǰ ولد ǰ (661هـ) وتǰ ǰ (728هـ)، ǰ ǰ ǰ متǰ ǰ ǰ ǰ ǰ ǰ ǰ ǰ ǰ ǰ ǰ ǰ كان ǰ ǰ ǰ و ǰ ǰ ǰ ǰ ǰ مǰ :"ǰ ǰ" "ǰ تقǰ ǰ" و"ǰ ǰ ǰ" "دǰ ǰ ǰ ǰ ǰ ǰ ǰ وǰ". أǰ ǰ ǰ تر ǰ: ǰ ǰ Û 6 Ǯ Ȋ 80. وتǰ كر ǰ Û 4 Ǯ Ȋ 1496. وأǰ ǰ: ǰ ǰ ǰ Û 1 Ǯ Ȋ 140.

[61] ǰ ǰ ǰ ǰ ǰ وǰ Û ǰ ǰ ǰ ǰ ǰ اعة ǰ ǰ ǰ ǰ Û 3 Ǯ Ȋ 139.

[62] أǰ ǰ تقǰ ǰ ǰ ǰ كتاب ǰ ǰ ǰ Û 3 Ǯ Ȋ 136.

[63] ǰ ǰ علɁ ǰ وǰ ǰ ǰ ǰ ǰ رما ǰ Ž
ǰ ǰ وما ǰ كر ǰ ǰ ǰ ǰ ǰ ǰ ǰ متر ǰ ǰ ǰ ǰ ǰ كا ǰ ǰ أو ǰ ǰ Ž ǰ ǰ ǰ.

- و[illegible] ومثل [illegible] وقد [illegible].

- و[illegible] يقود [illegible] ومن [illegible] من [illegible] عدد[illegible].

- و[illegible] ومثل [illegible] من [illegible] ومن [illegible] وكلمة[64] [illegible] عند [illegible].

2. [illegible] عند [illegible]:[65] [illegible]:

- **ما [illegible] سدد**: ومثل [illegible] عن [illegible] عند من [illegible].
- **ما [illegible] سدد**: ومثل [illegible] من [illegible].
- **ما [illegible]**: ومثل [illegible] وكذلك [illegible] عند ما[illegible].

3. [illegible] عند [illegible]: لقد [illegible] عد[illegible] تامة [illegible] من [illegible] ما [illegible] أو [illegible] ما [illegible] من [illegible] أو [illegible]:[66]

- [illegible]: أن [illegible] من [illegible].
- [illegible]: أن [illegible]:
- [illegible]: أن يقود [illegible].

أما [illegible] أو [illegible]

[64] [illegible].

[65] [illegible] 1973 [illegible] 200.

[66] [illegible] 348 وما [illegible].

ȐرƂ ɃØöä ɈŁȞöä من ȼDZɀöä åØŁ Kȡ ȼö يكن ȸ ɉǓ ȮòØک وÛøåرȓqå دÔȩ ĘȁHتö ɈŁȞöä

ȁɸåȥţŀæ 8رÔتöä من ɜʎţå دȁيقد وȩد Ûɜǅ ȮòØک ȼɸȥ ÛK8òŀæ øåرȓqå åȭǑŀȩ ɉ وكان ȻK8æ

øرȐò ŀɥوŀÊم Ȼɓرȓ ɉ كان ɉǕȥ ĘΣå ǢǵŀÔæ ĘǵƳöä øرȐöوä K8òŀæ ĘǵƳöä øرȐöä Ƙæ

.ȼȁǵ äȅøŀɰ من ĘΣå ǢǵŀȍɁ ɜم ŀɨǵȥ K8öä øرȓ ɉ كان ɉǓ وأما Ûɜǅ Ƴȥ ɈɌ أو K8öä

- **ثانيا:** أن يقȁد ɤ دÔȩ øåرȓqå K8òŀæ وȻكن ȳÂò ȼʎ ÛȮòæ ɄȂȥ ȻØŁ åòŀΣå øرȐòŀȥ ɥǓ ما أن يكɀن:

1. **ɜلها:** كتلقɄ ɜŀÊöä وɜɆæ ɜŀȓر ɤدȁGò وȁqمتɥɅ ţ عن ɜɆæ øåȁöä ɈŁÔŀǶöä äHŀȞöä كتɀȅämȞè ȕرǕɛ أو ŏŀʎæ مDZÊدɈ. وȁǵʖɈ ȻØŁ åòŀΣå ȼɸɁ ɜǅ من äȅHتŀŁȞò ȼȁǵɀÛ ɆȤȥ ȨȋØ ȼö ɅتمqɅŀʎ ţ عن ɜɆæ دȁøǷ ĘǵƳتö äHŀÔţå ȭÅmŀȞöä وȮòØæ ɃŁ علا مقدمة äHŀÔţå äHŀɁ åǑŀɁ مɜ ZDƎ ȓر Ȼø ɜƧŁȥ ɃدȁGò ȓرŀΣå ɜɆæو ɜŀÊöä ɄقلȁȂ تلقاها وأما ȁɅيZDƎÛ أن ɈكنΣ øرȐöä ȳåȍ مادة عادة ȐريȥȞتæ øرȐöä ɈŁHتي" :رعةȋɅöä ȁɀɄȁعدهما كذȁȋɁȻ ما تركȁȽ وåØŁ ÛɡرȐم ɜŀȞöä ĘΣ ما åǽǓ 8رÔتöä åØŁ ȁŀɁ ɜȂدɅ øرȓ عاȳŀ"[67].

2. **ɂǑŀɂ:** وɈȤ علا ȂȍŁƘ :

❖ أن ɉيلȁɆĘ øرȐöä K8öä ويلHɆĘ ǢǵŀɁ ĘΣå ɉǓ مɜ من تȥرÔȥȼ ȻكȥȽɸȼ ɜتȁǯ ȻɄöǓ كاȁɅدȥɜ عن مȳȁÊɡده مŀɅŀʎäȥ ɈɅ تقɁ ɜعلا ȻKȡ.

وȁǵɈɁ ȻØŁ åòŀΣå ȁȥȥɁ وɉǓ ĘΣ øرȓ ȻK8æ ɉ ɉɅ ǢȷDZ ɉÊɸqå ŀȳÔţ ȼΣŀÔɀ ɜȥدو دȁǿŀȅ

مقȼʎ دɀÔŀŀɅ ȷø ţ ɤ ɅŀǦ ǢǵȥÊ ɉɸqå ǓƂ ɈȞȥ ما ƎŁǢ ȼö مäHŀÔ أو يدɜȥ مȳȁÊɡدɈ

كاȁɅöȷ أو ɄqDZŀȷø وȳŀȋΣåå ɈGȩ ȻKȡ ɀجȁɅم ţرو ȁŀÄɁ علا ȼDZو ȁɉŀǵ äȥƶ ŁɈ كما

ɄدȁȻ ɉȂȞ ȳŀɉ ƂɉǓ ȸ ɈتŁǯ كمن ɉK8ȁɁ ȥǵɁ øرȓ ɀرȥȼ علا ترتǢ åǽǓ ɤǓ ɄǓɀŀȋǓȁɁ ȼö وȓرÛ ȁɄǓ ȻKȡ ȥŨʎØȁ مȁØ ǢDZȁå åȷȁŁȁɁ ȷÛ أو ȓرø عاȳŀɄ كȁȥɀDZȁŀø تكر علا ȁɜȥŨ ما Ž يدȻ.

وȁØŁ علا ȁɈȂȥ ɍŀɡȁɁ ɉŀɡȂ 8رÔتöä åØŁ ɅŁ Ɂȥ ȁɈȂȥ ȁȂȥǵŀȋ ȁɁŀɆŀȂ ȁɜȁŁȂȥ ɈɁȥɁ

ȁȼتȁȂ ɈȅŁŀţŀ Ž ȁqȥŀɡ وȁɅȁŀɆȁ كة متروȯ ȁŀÔǢǵŀÔŀ ĘΣå وȁȮòæ ȁɉȞȥȁǧ ȁɈȥȳŀɨ ɃØöä يرȁɜȥ

ȁöä ɅريȂ Ž أكاȼم[68].

❖ أن يلȁɆĘ øرȐöä K8òŀæ نكن ɤ يلȁɆȼ ɃǓ øرȓ ɉǓ مɜ من 8رÔتöä Ž ȼȁǵ وŽ ȻØŁ

ȁåòŀΣ أما:

---

[67] ȁɋŀɄ ȁɅŀøǷ 25 Û دȁøø ȁåΣكȁɋÛ ȁǯ ȁɅ1Û ȁɄ 40.

[68] د. ȁɈHȥ ȁȁȅøØŀ ȁɁɅȁƗ مرɈȥȼ ȳȅɁ ȁŀɁȥȁ ȁɅȁŀɆ ȁɁ 194-195.

- أن يكون [illegible] يقة [illegible] قاب [illegible]
[illegible].

و[illegible] من [illegible] أو [illegible] وتق[illegible]
و[illegible] ومه [illegible]
[illegible]: (([illegible]))[69] [illegible] يكون [illegible] متل[illegible] وي[illegible]
[illegible].

- أن يكون [illegible] و[illegible]
[illegible].

و[illegible] على [illegible] و[illegible]
[illegible] على [illegible] أ[illegible] من [illegible]
[illegible] على [illegible] و[illegible] يق[illegible] "و
[illegible] عن [illegible] أو [illegible] يد[illegible]
[illegible] على [illegible] و[illegible]
[illegible][70] أن يكون [illegible] و[illegible] على
[illegible]:

1. أن يكون [illegible] من [illegible] أ[illegible] من [illegible] من [illegible]
[illegible] من [illegible] أ[illegible] ومه[illegible] تكن [illegible]
– [illegible] – [illegible] ون [illegible] و [illegible]
[illegible] أ[illegible] أ[illegible] و [illegible] و[illegible]
[illegible] على [illegible] قاب [illegible] يد[illegible]
[illegible] عن [illegible].

2. أن يكون [illegible] و[illegible] من
[illegible] ومه [illegible] أن [illegible] على [illegible]
من [illegible] و[illegible] ومرد [illegible] أن [illegible]
[illegible] وعدم [illegible] و [illegible] تر[illegible]

---

[69] مر[illegible] 41 من [illegible].
[70] [illegible] 359.

ǰƔÛǞ ǈǻƷ Ɣǻ ǿǖǈǚ ɳÔǖǚ ǉǈǖ مقال ǉǻ يق ǈ ǿǖȑ ǻ ǫǘو ǥɳÊÀǠǐ ɳÔǖǚ ȯǈǠǵǘو ƘǠƐǚ
ƷǞ ǚǈÊƀ ÛƷǫǻǘ ǿȑŔǚ ǚǾǈ ǚǾǖ ĘƩǚ ĀǵǈǑ ǈǠǾ يتǂ و ƷǫǻǘȑŔ ȢȑÔǚ
عقد Ƀǚ ţǻǫ ǰ أ ن Ţǚ ؟لع ĀǈȢ يǂ ƷǞ ǻƀ وÛǈǚ Ɓǜ ǿǞ ţǿǾ يتǂ ɃǾǚ ƷǖǞ ǻƀ و[71] ǚǈǖǚ
ǂ ǈǚ ǈǚ Ɓǜ ɳÔǖǚ ƟǈƵ ما يدعين من ǿɳÔ ي ما ǈǿ Ɓǜ ȐÀ مǿǉǿ ǿǈ شاكلتǿ ؟لع ǂ يقǈ
ɃǾǚ ŌǈǓ ماǈǫǘ ǉǈǖ Ƀǚǿ ǿǈǈ ǻƀ ما ȢƔǓ ǚǾƀ و.ƷǚŢǚ ؟لع ǚǻƐǚ ǻƀ و ǈǽǰǚ ǴǓǻǻ ǈǈ
ǿƐǻǫ من وĘȓÛǈǈ ǚǈȅ دǈÊÀǚ ǈǻ دŽ ȓǈǘǫǚ ǈ مǈǜ من ŌǈǞ وƘǈǈǈ كا ن Ţǚ ǚǈȢǞ يتǈ
ȯǈǾǻǰǚ ǿǈǉو ǧǂǚ مƁǜ ر ŢǈǞ ŌǈǞ وǿǚǞ ɳǵ Ž ǚǾǿǿǚ ɳȅ ǈǜ مǈǜ ؟لع ŌǈǞ Ž ǚǈǠǈǾم
و[72]"ƷǈǈŢǚ ĀǈǓ من ƁوأɳȅǈŢǚ ǿǈ" دǉ ǥǈǖǚ ǈǐǻǉ

- ǈǻǈ : ǈǈǈ ǈǈǻǵ ǈǈǈ سد ǈǿǈƷ:

ǈقد أوǈ ǈǈǈǈǈǈ ƘǈǈǈǈǚǞ ǈȅ ǈǈ ǿǾǾǚ مǈǈ ǈǈǈ ؟لع ǿǈǻǵ ǚǈǈ ǈǈŢǚ مǈǈ:

- **الدلŌǈ :ǈƼǈǈ** ǿǻǫ :ƁǈǞ ǈǈǈǈ] **ǈǈǈǈ ǈǈǈ ǂ ǈǈǈǈ ǈǈǈǈ ǈǈǈǈ ǈǈǈǈǈ اǈǈǈǈ ǈǈǈǈ**
ǈǈǈǈǈ ǈǈǈ āǈǈ ǈǈǈ[[73]

يقǈǻ ǉǈǘǫǚ ǈǉǈ Ž ǈǈǾǘ ǈǈ ǈǈǈ Ž ǈǈǈǈ ǈǈǈǈ ǈǈǈǈو" :ǈǈǈǈ وǈǈǈ ǈǈǈ ŌǈǞ ǰ ǈ مǈǈǈǈ من
كا" :ǈǈǈǈ ! ǈ ǈǈǈǈ āǈǈǈ ǈǈ عن...ŌǈǈǈǈǈوǈǈǈǈǞ Ƀǚ ! ǈ ǈǈǈǈ من ǈǈǈǈ ǈǈǈǈ
ǈǈǈǚ Ƀǚ – ǥǈǈǈǚ من – ǈǈǈǈǚ وĀǈǈǈǚ ǈǈǈ ؟لع ǈǈǈǈ ǈǈǈ ǈǈǈǈ ǈǈǈǈ ǈǈǈǈǈ
ǈǈǈ ǈǈǈ ǈǈǈ كا :ǈǈǈǈ ǈǈǈǈǈǈ ǈǈǈ ǂ ƷƐǚ Ƀǚ ǈǈǈ ǈǈǈǈǈ ǈǈǈǚ ǈǈǈ وكاǈ ǈǈǈǈ
ǈǈ ŌǈǈǈǞ ǈǈǈو...ǈǈǈǞ ǈǈǈ ǈǈǈǈوي ǈǈǈ ǈǈǈ ǈǈǈǈ ǈǈǈǈǈ كاǈǈǈ ǈǈǈǈ ǈǈǈǈ

[71] ǈǈ ƷǞ يقǈǚ ǿǞ ǈǈǈǈǈ ǈǈǈǈ Ƀǚ ǈǈǈǈ ǈǈǈǈ Ɓǜ ǈǈǈǈ ومن ǈǈǈǈ أ ǈǈ ĀǈǈشǈǈǈŽ أ يقترن من ǈǈ
وǈǈǈ ǂ ǈǈǈǈ أ يقرǈ ǈǈǈǈǈǈ ǈǈ Ɓǜ ǈǈǈ ǈǈǈǈ ƷǞ ǈǈǈǈوǈǈǈǈ مǈǈو ǈǈǈǞ ǈǈǈ ǈǈǈ من ǈǈقرǈ
دǈǈ ǈǈǈ ǈǈǈ شرǈ ǈǈǈǈǈ أ ǈǈǈǈ ǈǈǈǈ وأ ǈǈǈ ǈǈǈǈ ǈǈǈǈ ǈǈǈǈ ǈǈǈ تدǈ
Āǈǈǈǈǈǈǈǈǈمǈǈǈǈǈǈǈǈمدǈǈǈǈǈǈǈǈǈأǈǈǈǈǈǈǈǈǈ من ǈǈǈقرǈ (ǈǈǈǈ ĀǈǈǈǈǞ
Ž ǈǈǈǈ ǈǈǈǈ ǈǈǈǈǈ .ǈǈǈǈǈ ǈǈǈǈǈǈ (ǈǈقرǈ) ǈǈǈǈ ǈǈǈǈ ويكǈǈ ǈǈǈǈ ǈǈǈ (ǈǈǈǈ
ǈǈǈǈ ǈǈ ǈǈǈ :ǈǈǈǈǞ ǈǈǈǈǈ ǈǈǈ .60 ǈ وأǈǈǈ ǈǈǈǈǈǈ ǈǈǈǈ وǈǈǈǈǈǈǈǈ ǈǈǈǈǈǈǈ
ǈǈ ǈ مقدما :ǈǈǈǈو .2ǈ ǈ2ǈ ǈǈǈǈǈ ǈǈǈ ǈǈǈǈ ǈǈǈǈ Ž ǈǈǈǈǈǈ شرǈ ǈǈǈǈ ǈǈǈǈ ǈǈǈǈǈǈ
.526 ǈ ǈǈدǈǈǈǈǈǈǈ ǈǈǈǈ

[72] ǈǈǈǈǈ ǈǈ30 ǈǈكاǈǈǈǈ ǈ1ǈ ǈ 41.

[73] ǈǈǈ ǈǈǈǈǈǈ ǈǈǈǈ 104.

أ ｊ ﺩﻌﺰﻟـﻘﻴﻌﺰﺩ ﻛﺎﺗﺰﻭﺩ ﻳﻘﻴﻌﺰﻭﻧ ﺃ Õöæ ﻭﻢ ﺃﺪ ﺟﺪﻞ ﻟﻴﻄﺎﺍ ﻟﻠﺎﻝ ﻋﻠﺎ !ﺃ Õöæ ﻣﻄﻰ ﻣﻦ ﺗﻌﺎﻟﻰ àŸùů Õöæ
."ÆÊLö äĦ,ǿæ ȼ ɉ ṢÀLöä[74]

ويقعز ȯzه تﺄﻟﺔ: "ﻟﻄﻠ ëG"ȼ أ ｊ ﻳﻘﻴﻌﺰ ȻØŁ äŁأنكلة – مﻭ – ÔşLŁ Ḳ ﺃ ﻟ Ķ – ŸÄö يكز ｊ
ﻟﻴﺰ ḜĦ,ǿæ ȼﺁﻠﺁ ﻭﻟﺰÊöä Ž ﻟﻄﻌﺰﻱ ﻭﻟﻄﺬﻟ ﻟﻮÙ ﻟÜïä ﻛﺎﺘﺰﺃ ﻟﻬﻨﺰ Ŏ ĹƑÄöä Ŏ ﺏﻮ ! ﺃ ﻋﻠﻰ ȼ ﻭ ﻟﻠë
ويقدور Ôﺪﻗﻳ ÛÆÊöä ﻳﻘدور Ô ｊ ﻟﻴﺰ ﻣﻦ ﻓﺮﻋﺰﺩﺰ ﻟﻴﺰ ﺗﺎﺮﻳﺦ ﻋﻦ ﻟﻄﻴﺰ ﻟﻴﺰ àﺩﺍ ﻭ ﻟﻴﻠĮ ÄӧĹ ŸÄö
يكز ｊ Õöæ ﻫﻴﺄﺮ ﺎﻟ ﺃ ｊ ﻳﻘﻴﺰ ﻟﻴﺰ ﺩﻌﺰﺓ ﻃﺎﻟ ﺏﻮ ! ﺃ ﻋﻠﻰ ȼ ﻭ ﻟﻠë ﻟﻲ ﺗﺎ ÛĶŁﻟÊﺗﻠ ﻳﻘﺪﻭﺭ Ô ｊ ﻟŏ Ķȡ ﻣﺎ
يقدﺭ Ô ȼ ｊzøŁÊţ ﺃ"[75].

- الدليل الثالث: ﺩﻟﺸﺰﺭ ﺑﻠﻲ:]ﺵÂ ﻃﺄﻟﺔﺓﻣ ﺄﻟﺘﻴﺮﺍﺗ ﻓﻴﺼﻞ ﻣﺎ ﻛﺎﻥ ﻣﺎ ﻟﻄﺍﻡ ﺄﻟﻠ ﺓﻃﺰﻟﻤﺴﺰ ﻟﺎ !!
ﻳﻨﻔﻲ ﺍﻟـ ȼ ﻟﺰﻣﻨﺰﻟ ﻟﻌﻠﻤﻲ ﻟﻨﻤﺎﻟﻨﻬﺰ[[76].

يقعز ȯzه ﻓﻬﻦ ŸĦöä[77]: "ﻛﺎﻟﻘﻴ ﺃﺮﺍﻃﻴﺔ ﺗﺮﺍﺀ ﺭﺏ ﻓﺮﻳﺎﻟ ﻟﻠﻤﻠﻴﻌ ﺃﻟﻴﻄﻪ ﺍﻟﻴﺰﺍﺩﺍ ﻟﻠﻀﻰ ﻟﻄﺰ ﻭﺰﻳﺰ Õöæ
ﻓﺮﻏﺰ ﻟﻴﺰﻟﺎﻝ ﻟﻴﺰ ﻣﻜﺮﻭ ÛȻ ﻭﻣﻦ ﻟﻴﺰ Õöæ ﻳﻐﺰﻟ ﺍﻟﻘﺰﺁ ﻟÂ ﻟﺰ ﺩﺍﺭ Ûȳ ﻭﻛﺮ ÔöǾ ﻣﻦ ﻟﻪ[78] ȼLĦ ﻣﻦ
ﺍﻟﻘﺰﺁ ﻟÂ ｊ ﻟﻴﺰ Õöæ ﻳﺰﻳﺪﺓ ﻭﺩﺍﺭ Ûȳ ｊ ﻟﻴﺰ ﺎﺍﻟﻠÆ ﻛﺮﺍﻡ ﺩﺍﺭﺍ ｊ ﻟﻴﺰ Õöæ ﻳﺰﻳﺪ B Âǣ"[79].

يقعز ȯzه ﻓﻬﻦ ﻗﺎﻡ ȳ: ﻳﻨﻲ ﺇﻟﻰﺓ ﻣﻨﻌ: "ﺰﻄﻗﻪ ﻣﻦ ﺭﺏ ﺍﻟ ﻓﻠﻠ ﺍﻟﻐﺎﻟﺔ ﻭﻟ ｊ ﻛﺎﺭ ｊ ﺍﻟﺮﻌﺰ Ž ȼÊÀ ŸÄö
ﻳﻜﺰ ｊ ﺗﻐﺰ ﻧﻌﻢ 3ƨ ﻣﻔﺎﺭ ﻏﺰ ﻓﻌﺎ ﻃﺎﻝ ﺃ ﻧﻜﺰ Õöæ ﺩﻭﻋﺎ ﻭﺍ ﻓﻜﺮﻩ ﻣﻤﺎﻟ ﺍﻟﻨﺎﻝ"[80].

- الدليل الرابع: ȼ ﺏﻮ ! ﺃ ﻋﻠﻰ ȼ ﻭ ﻟﻠë ﻋﻦ ﻋﺰﻟﺔ ﻋﺰﻟﺔ ﻣﻌﺎﻟﻠ ﻗﺎﻝ ﻋﻦ Ÿ ﺍﻟﻤﺠﺎﻟ ﻃﻠﻲ ﺿﻮﻋﺮ ﺏﻮ ! ﺃ ȼ ﻋﻠﻰ
أ ｊ ﻗﺎﻝ ﺏﻮ ! ﺃ ﻋﻠﻰ ȼ ﻭ ﻟﻠë ȯz: ((**ﻟﻮﻟﻠ ﻟ ﺃﺯﻟ ﺍﻟﻤﺠﺎﻟﻠﺔ**)) ﻟﻘﺎﻟﺰ: ﻳﺎ ﻣﺰﻋﺔ ! ﺃ ﻣﺎ ﻟﻮ ﻣﻦ fﻟﻤﺎﻟ

[74] ﺍﻟﻔﺮ ÛƑﺎﻝ ﺍﻟﻤﻌﺠﻢ ȳ ﺍﻟﻔﺮﻭ Û2 ﺹ 57-58.

[75] ﺍﻟﺮﺍﻏ ȳ ÛĶĦţ Û3 ﺹ 137.

[76] ﺍﻟﺰﻭ ǿﺎﻟ ﺍﻟﻨﺠﻴﺔ 31.

[77] **ﺍﻟﻌﺮ ﻟﻤﺠﺰ** : ﻟ ﺍﻟﺸﻜﺮ ﻓﻦ ﻋﻘﺪ ! ﺃ ﻣﺮﻭ ﻭﺍﺣﺪ ﻓﻬﻦ ŸĦöä ﺍﻟﻤﺠﺪ ﺍﻟﻮﺍﺣﺪ ﻟﻘﺪ ﻭﻟﺪ ﺳﻨﺔ (468ﻫ) ﻭﺗﺰ
ﺳﻨﺔ (543ﻫ) ﻭﺩﻓﻦ ﺍﻟﻤﺪﻳﻨﺔ Ûâ ﻓﻲ ﻣﻨﻬﺎ ﻛﺘﺐ: "ﺍﻟﻤﻌﺠﻢ ﺍﻟﻔﺮ Û"ﻭ"ﻋﺎﺭﺿﺔ ﺃ ﻟﺒﻌﺰﻯ Ž ﺷﺮﺡ ﺍﻟﺘﺮﻣﺬﻱ". ﺃﻧﻈﺮ
Ž ﺗﺮﺟﻤﺘﻪ: ﻭﻓﻴﺎﺕ ﺍﻷﻋﻴﺎﻥ Û4 ﺹ 296.

[78] ﻓﻴﻪ: ﺃﻱ ﺃﻏﺪﻕ ﻓﻴﻪ ﺗﻘﺮﻳﺘﺎ ﺷﺪﻳﺪﺍ.

[79] ﻓﻬﻦ ÛŸĦöä ﺃﺣﻜﺎﻡ ﺍﻟﻔﺮ Û3 ﺹ 1376.

[80] ﺍﻟﺮﺍﻏ ȳ ÛĶĦţ Û3 ﺹ 137.

[illegible] وما: [illegible] (([illegible])) : [illegible]
: (([illegible] النصر [illegible] السلام [illegible])).[81]

و[illegible] عن [illegible] من [illegible] مروة [illegible] و[illegible] عن [illegible] على [illegible] من [illegible] ! و[illegible] كان [illegible] عرف [illegible] و[illegible] يقر [illegible] عرف [illegible] من [illegible].[82]

- الدليل الرابع: عن [illegible] : على [illegible] : ما [illegible] عن [illegible] من [illegible] ! [illegible] عن [illegible] ! : (([illegible] ما [illegible] ما [illegible] الصدق [illegible])).[83]

و[illegible] على [illegible] عن [illegible] ما [illegible] يريد [illegible] يريد [illegible] يريد [illegible].[84]

- [illegible] : مدى [illegible] استعمال [illegible]:

[illegible] من [illegible] يكن [illegible] عن [illegible] كان [illegible] من [illegible] ما [illegible] على [illegible] أو [illegible] أمر [illegible] عن [illegible] و[illegible] وكذلك [illegible] مادة [illegible]

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[81] [illegible] كتاب [illegible] كتاب [illegible] 6229 [illegible] 11 [illegible] 8 [illegible] كتاب [illegible] 32 [illegible] 2121 [illegible] 14 [illegible] 85-86.

[82] [illegible] شرح [illegible] وعلق عليه [illegible] دار الكتاب [illegible] 2 [illegible] 1986 [illegible] 4 [illegible] 394.

[83] [illegible] كتاب [illegible] 60 [illegible] 2518 [illegible] 4 [illegible] 668.

[84] [illegible] 1 [illegible] 1986 [illegible] 691.

Æģlò ـدÔöä ومقǯzåدوöä ترعن ـرŢÅöä Ȓ8ä ـلŁȞöä ǯÅمـ ãĦƖÔţä عن ǿـرȒöä ǴDZترåæǖ ƖŁǮÆǂä ãȞـريةΪöä
.ǿقåǵ ǿôƖŁȞïèå وǿǯـرÔïä ĘΣå

وكل ǿØŁ مردȻ ãÀÊƖǯ ǯـريΪïöä ȺـŸèqå ãǂÅGţå علىɁ ȓƖǂïǵɾå ǗƖ ÛȓƖŁǵɾå ǿØö Ɉǖǯ ـرŢƿ ريةŢ ǯÊȞïöä Ž
ȺalęǯÖä ÆĒƿƖƨå ـلǯǯ ȾØöå وǯäáØØöä ـدè أـدGمـ òŸǹ من ǯـريΪïöä ǿØŁ ÆĒƖò من ƎïȞï ĘΣå òƖŁȞïèå
.ǯÊȞïöä ريةŢـرƿ ǿوø دوǿïåæ ǯŁ ȾØöå وـدèƖÀţå ǿåـرȓ ɉå ÆĒترمن

وǿـد و ǴȓǑ ǿØŁ ȳƖمqå ƑùƖΪöä ǿǯقåæ: "ǿوãȞـريةΪöä ãǂÅGمـ علىɁ ȓƖǂïǵɾå وǿɉå ǿǹ ȳÂΣƖä
وãـرĦïöä ƖŁ عـŁ ǿÊɁ أـلƖǯـيكـ ãـريقا ȻƖ ـدÊÀمـ ÛǥƖǖ ـلǯ كلا ǿØŁ ǯƖȞمـ علىɁ ƖŁƨå وãلة ـلǂÔÀöä ÈǂƖǯ
أو ǾǿوـرȒö ƖمǗ ـلŁ مكـلـ ǯŁ ما Ɓ ǯDZäǿ ƖŢǯòأ من ـلòأ ǯŁ ـلä ãȞـريةΪöä Ž ţـدGä ǿǂƖعلـ ـلŁȞöä
.[85]"ƗǂÊƠ أو ȺDZƖǵ

وǿØŏ ـرمدɁ ـرǮŢ ȳäŸïöä Ƙä أـدGمـ ـدè ǯäáØØöä وǯÊȞïöä Ž ǯÊȞïöä òƖŁȞïèå ĘΣå وǿŎæ أـل أـدGمـ
ÛǥـدÊÀمـ أو ãȞÀÅمـ أو شر أو Ƙǹ من ǿǂöǗ ȺǮïǂ وما ÛƖőـروǥ ǯـرÔïöä òǖمـ ƁǗ ـرŢǅـ ǯäáØØöä
وǿǗ ǿقåǵ ـلŁȞïèå ما ååæǗ ĘΣå Æǵlò ـلǖ ǯÊȞïöä ريةŢǅـ ãDZǂïφ ǯŁ òƖȞǯɉå ǥɾǖمـ ƁǗ ـرŢÅöä
علىɁ Ȅèǖïـي Ɩ ـيÊ ƖŁǮƖوكل ÛȻǕǿـد ÆĒDZو ƖÀÊȞï ǿقΣ ǿôƖŁȞïèå وǿǯـرÔï ƅŁ ـرينǹǿƖä ǿـرȓ ƁǗ
ǴGòأ ȾØöä 8ـرÔïöä ǯÅƞ Ŏæ وǯÊȞïöä Ǖǿويـد ãȞـيǿØöä ـدÊïǯ 8ـرÔïöä ƁǗ ǯåـدöäو òǖţå ǿƖGïعـå
.ƖǾ شرǯƎïȞمـ Ƙǭ اية8ö ƖǂƖè و

ƆƖǯƖ ÆĒƖÛţƖ

ǥـدǯƖę ǿǯمـɉƖ ǾƖŎƖÒـدهـا[86]

وأـلǿ ǿØŁ ǥـدعـاقـöä ǥـدƠيـŌ ƑÅöä ȺƖǿ !ä علـى و ƖƖè : ((ǴǾƖ ǯـلإ ÛŁƖǾ ǯـبـالـنـيـاǗ ǴƖŞ ƖǾ ÔÖƖ ǕامـرǗ ما
((ɁǯǕ وƘǭ من ƠǯقåɉǵƖ ǥـداƠيـŌ Ž ǥǯäØöä ǯǅÅöä.[87]

وǿǯمـɉå ǯƤ أمر وǯŁ Ž ãǂƖöä òƖΣå أو ƖǗΪöä أو ãـدΣå وǯقåǵ ǿـدǯÔïţä Ž ǿä ǥـدعـاقـöä ǯŁ ـلǍÀöä
.[88]òǯقåöä ǿƖǍǯو Ɩ ـلÊƖöä ƖǮÅو مǯäǿǯƨå ǯعمـل Ǿأ

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[85] ǯţåǯƖǵ Ûǥ Ûǯ2 î 364.

[86] ǯŢǯǥ ǿåǯ Û2 ǿØد ÛǯكـلΣå Ûǥ1 î 19.

[87] أـرŢƿ Ž ǿØŁ: د. ŢǮـد ȺǯـدǯƠ في أـدƿ ـدǯäǯþ ǯقþǯǯGöä ǯǂDZǯöä Ž ǯƖȒǯ ǯȒƖǯ ǯقåǯÅöä ǯƖǂكǯلـä ǯǥوƘä ÛǯǥـقƖǥ ãÊèǯقـ ǯـرǗǿ ÛǯƖǥ Û1 ȓ Û1983 î 45.

[88] أـرŢƿ: دǿǿ ÛǯكـلΣå Ûǥ1 î 19.

و[illegible] مقـ[illegible] من [illegible] و[illegible] [illegible] ويـ[illegible] [illegible]
[illegible]قاعدو. و[illegible] [illegible] عا[illegible] [illegible] .

[illegible] ما يرـ[illegible] [illegible] من [illegible] أو [illegible]
أو [illegible][89] [illegible] اعة [illegible] ـتقرب [illegible] .[90]

وعـ[illegible] من [illegible]قاعدو أ[illegible] وأ[illegible] كا[illegible] أو [illegible] يقا[illegible] ما
[illegible] من [illegible] أو شر ومقد[illegible] أو [illegible] وما [illegible] من
[illegible][91] [illegible] وأ[illegible] تترت[illegible] مقـ[illegible] و[illegible]
وـ[illegible] من و[illegible] [92] [illegible] أ[illegible] يترت[illegible] علـ[illegible] أمر يكـ[illegible] علـ[illegible]
مقتـ[illegible] ما [illegible] مقـ[illegible] من [illegible] مر[93]. [illegible] وت[illegible] من أ[illegible] وأ[illegible] علـ[illegible]
مـ[illegible]روعـ[illegible] دور [illegible] علـ[illegible] وكل [illegible] مرد[illegible] عتد[illegible]
[illegible][94] [illegible] وما [illegible] قاعدو [illegible] من
[illegible] مرـ[illegible] و[illegible] كا[illegible] يـ[illegible] مد[illegible] ومرـ[illegible] ومرد [illegible]
[illegible] و[illegible] كما [illegible] كن دور أ[illegible]
[illegible] عتد [illegible] و[illegible]
[illegible] و[illegible] كل [illegible] كما [illegible]
يقر[illegible] علـ[illegible] [illegible] علـ[illegible] وكـ[illegible] من [illegible]
[illegible] ما [illegible] و[illegible] ين[illegible] عتدو [illegible]
عن [illegible] ما [illegible] د[illegible] و[illegible] تر[illegible] و[illegible]
[illegible] علـ[illegible] ويـ[illegible] كا[illegible] كار [illegible] عن [illegible]

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[89] [illegible] 1990 [illegible] 30.
[90] [illegible] 29.

[91] [illegible] 274.
[92] [illegible] 965.
[93] [illegible] 48.
[94] [illegible] 207-208.

БǗ ﻼÔﻘﺎﻨﺎ lﺮ̀ﺭﺎﻨﺎ ﻈﺎ ĘﻘﺎƠ ﻭ ÿÂﺩﻨﺎ ﺔﻈﻠﻊ ﻘﺩﺎﻨﻣﺎ lη ƪﻄﺩﺎﻊ gƎﺩﻨﺎl ÛlƮﺎﻊ ﺎÅﺔﺔţﺎ ﺔﺎ ﺩ ﻨﺎ ﻭ ﻨﺎﻓﻘﺮﺎﻦ ﻨﺎﻓﻘﺮﺎﻨﺔ ﺎÃÙlGﻨﺎ
.[95] ğlﺎﺔﻨﺎ ȯlﻊţ ﻨﺎ ﺎǗ ȗlÅﻨﺎ ﻨﺎ ﻋﻠﻰ ﻤﺘﺮﺘﺒﺔ ÿlﻜﺎǵ ﻨﺎ ﺗﻜﻦ Ɓﻭ ǼǴÊﻨﺎ

ğﺎﻋﺘﻘﺎﺩ ﻭ ﻋﺘﻘﺎﺩq ﻼÒlţﺎ ɺɺ lƮﺩﻤﺎﻄ âʐƶ ɟ ɣﻨﺎ ﺎĤﺭÎﻨﺎ gﻭ ﻋﺩﻭﺎ: "ﻭ ﺎʐƨﻨﺎ ﻴﺔ ƪﺔ ﺎﻦ ÿlﻤﺎq ȯʐ ﻴﻘﺎ
ﻋﺘﻘﺎﺩɟ ﻭ ﺎﺔﻨﺎ ﻼÔﻘﺎl ğﺎﺩﻨﺎ ﻭ ğlﺔﺘﻔﺮﻨﺎ Ž gƎﺘĤﻤﺎ Ʉƚﻜﺎlƚğﺎﺩﺎﻨﺎ ﻭ 8ﺭÔﺘﻨﺎ Ž gƎﺘĤﻤﺎ
.[96]"ﺎèlʐ ﺃﻭ lĦɄĦǑ ﺃﻭ ǵﺭﻤﺎ ﺃﻭ ɟɎǵ ȯɄÎﻨﺎ ﻞĤƶ

ﻮƷ ɺɺ Õﺎ ﺎlØƤ ﻭ". "ﻞÙlØ ﺎﻞƦ ȻØÅ ﻦﻳﺘ ƘÔĤﻨﺎ Ʒﺔ ﻭ": ƚ8ţ Ž ȯlDZ ﻤﺎ ﺎØﻄ ﺔﻞǯ ﻭ ﻤﻦ ﺃﻤﺮ
[97] [ﺎﻟﻌﺪﺩ ﺎﻞ Żɟl ʔlʒ lʐﻋﺪﻞ ɟş] :БlĤ !ﺎ ȯʐ ﺎ lĤﻭ ÿﺎǵ ﺎﻞƦ ȻØÅ ﻦﻳﺘ ﺔﻘﺪ ﻨﺃ ĤÅ ﻦﻳ ţ ƘÔĤﻨﺎ
.[98]"ƇﺭĦﺘﻨﺎ ɄȒﻴﻘﺘ ɄŒ ﺎØﻄ ﻭ

Ʒﺔ ÕﺎØ ĘĦɄ ﻭ ﻳﻞ ƘﺔﺭΣﺎ ﻤﻦ ƚĤ ﺭﺏﻳ Σﺎ ﺎǕ Ʒﺔ ﻤﻦ ɺʐŧlÊţﺎ Ʒﺎ ﻭ": ÿlﻜﺎΣ gﺭÔﻨ Ž ȯlDZ ﻭﻤﺎ
.[99]"ﺎﻞƦ ȻﺭÔĤ ﻦﻳ ţ ǼĤﻨﺎ ﻭ ﺔÊﺔﻜ lƮŧĤ ﻦﻳ ţ ǿﺎﺩﻨﺎ Ʒﺔ ﻭ lﺔlǑ lƮﻤﺎ ﻞŧĤ ﻦﻳ ţ Ǽ Î ʅﺎ
ﺔﻴØlDZ Ʒﺔﻜ âʐƶ ɟ ﺎﻞ ﺃﻤﺮ ﺔ ﻼÔę Ƀﺘﺮ Îţﺎ ɺɺ ƪŧ ȯɄ ﻜﻞ ﺸ Ʒﺔ Ʒﺎ ﻭ": ƘǴﻜﻨﺎ dʐﺭÎﻨﺎ Ž ȯlDZ ﻭ
ﻦﻳ ţ ǼĤﻨﺎ Ʒﺔ ﻭ lﺔlǑ lƮĤȒ ﻦﻳ ţ Ǽ Î ǹ Ʒﺔ ﻭ gØlƦ ﺃﻭ ﺔÊﺔﻜ ØÅﺘﺘ ȏ ﺃﻨ Ʒﺔ ﻭ ﺩlÊÀﻨﺎ ﻞţ
.[100]"...ﺎﻞƦ ȻﺭÔĤ ﻳ

ƪﻜΣﺎ ȯlﺎ ﻭ ğlʐﺭÔﺘﻨﺎ ﻭ ﻼʐﻘĤﻨﺎ Ž ﺔﻋﺎﺕ ﻭ ﻤﺮﺎﻋﺎﺕ ǬﻊlGﻨﺎ ȯlﻊǕ ﻤﺪ ʔ ﺎØﻄ ﻤﻦ ﻜﻞ ÒlÅﺘÊ
ﺔ ﻼÔﻘ ﻭ ﻴﻘﺪ âʐƨﺎ ȻﺭŧlŞ 8ﺭÔﺘ Ƀﺃ ȯlÛq ﺎlè ﻭ ﻭ ÙlȒﻜ ﻳĤﺪ ﺔʐ ﻭ ﻋﻠﻰ Ûèlèﺃ ʔ
.lﺔ ﺸﺮ ţʐ ﺃﻤﺮ БǗ ȯʐÒʐﻨﺎ

ɺɺ ﻤﻦ ƪﺭdﻨﺎ ﻋﻠﻰ" :ﺔʐﻘ ƁØʐƮÊﻨﺎ Øʐﺩﻜﺘﻨﺎ ɄﻤɎèq ﺔﻘﺎÀﻨﺎ Ž ﺔﻋÂØﺎﻨﺎ ȻØŁ Ǵﺮ̀ʐ ﻭﻳ
Øǹ ﻳ Ƀﺃ ÛlőﺎЭ gﺩﺎØq ﺩﻭﺭ gﺩﺎØq ﻋﻦ ƘǴĤﺘﺔ ﻳﺘﺪĤ gﺎØl ﺔﻋﺔʐﺮ̀ʐ ﻤﺔ ﻋﺔÂ ﻭ ﺔ ɄﻤɎèq ﺔﻘﺎÀﻨﺎ
ﺔﻘﺎÀﻨﺎ ﻤﻦ ﺔǵlﻨﺎ ȻØŁ Ž ﺏﺃﻳﺮ ɺɺ ﻜﺎ Ǵǵ ﺎÃÙlGﻨﺎ gﺩﺎØq ǼŁØη ɟ gﺭŧlŢﻨﺎ gﺩﺎØq ﺃﺩǴη
ɄȒﻴﻘﺘ ﺎØŁ ﻭ ﺔﺎﺪﻳﺔ ﻭ ﺎﻠﻘﺔ ʅﺎ ﻭ ﺩﺔﺔ ﻨﺎ ﻞﺎʐĤﻨﺎ ﺔʐ Ǽl8ﺘﻘﺪ ﺗ ʐ ʔﺭǹﺃ ﺔƮDZ ﻤﻦ ﺔ ɟǗ Û...Ɔﺭﻤﺎﻙ ƨﺎ

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[95] ﺃﻨﻈﺮ: ﺩ. Ţŧ ÿɎè ﻤﺩﻜʐØÛ ﻤﺮ ƷDZ ÛĘlè ǐ 558-559.

[96] ÿɎﻊǗ ÛƘĤʐţﺎ Ûǯ3 ǐ 96.

[97] gØʐè gﺪﺎlţﺎ ﺔﻴﺔ2.

[98] ﺎﻦ ﻗﺪﺎﻣﺔ ﻳ ţﺎﻘﺪ ÛɄè dʐﺭÎﻨﺎ ÛƘǴﻜﻨﺎ ﻤÛʐ ţ Ʒﻡ ﻜﺘﺎﺏ Ûƚ8ţﺎ Ûğ ﻭ ﺩﺎ Øﺎ ﻜﺘﺎﺏ ﺭĤﻨﺎ Ûÿ1983Û ǯ4Û ǐ 40. ﻭﺃﻨﻈﺮ:
ÿɎﻊǗ ÛƘĤʐţﺎ Ûǯ3 ǐ 138.

[99] ﺃﻨﻈﺮ: ﺎﻦ ﺭ ʐǵ Ûɺʐ ﺭÔﻨ gﻜﺎΣ ÿl Ž ȯÒʐ ﺎﻞ ﻭﻤﺎ ǰŁ ﺎ ǵﻜﺎÿl Û ﻤﺮ ﺎĤDZﺔ: Ùﺔ ﻋﺪ ﺪ ﻭ ﺭﺎ Û8 ÛɄèÛ ﻤﻜﺘﺒﺔ ﺎﻜﺘﺎlğ
ﺎŧﺭﻳﺔ Ûﺮ1 Ûÿ1986 Ûǯ2 ǐ 200.

[100] ǵﺎﺸﻠﺔ ﺎﻜﺪﺎ ɄęʐèÛ ﻋﻠﻰ ʔﺭÎﻨﺎ dʐﺭÎﻨﺎ ÛƘǴﻜﻨﺎ Ûǯ3 ǐ 7.

أ ﺭ ﻳﺘﺪ ﻳﺘﺪ ﻳﺘﺪ ﺃﻭ Ǭﻉ ﺃﻭ Ƀ ﻳﻘﺎ â ﺷﺮ 8 ﻭﻫﻴﺎ ﻭﻙ ﺗﻜﺎ ﺭ ﻳ ﺃ ﺗﻜﺰ ﺭ ﺃﻳﺮﻳﺔ ÆĢÊ
ﻣﻜﺎ ﻣﻠﺎ ﺭ ûǮ ﻳ ÈŁ ﻣﻜﺎ Ž ǿﻘﺄ ﺃﻳ "[101].

- ﻫﻠﺔ ﻣﺼﺪ ﻫﻘﻤﻌﺴﺍ: ﻫﻠﺔ Ǭﻉ ﺃﻭ ﺩﻫﻘﺎ ǮÊ ﻣﻦ ﻫﻴﻦ ﻣﺎ ﻛﺮﻫﺎ ﺗﺪﻭ ﻫﻠﺔ
ﻭ ﻫﺮ ﺃﻫ Ǭﻉ Ž ﺗﻜﺮ ﺭ Ž ﻳﺮﻳﺔ ﻭﻋﻠﺎ ﻳﺮﻳﺔ ﺭ ǮÊ
Ž ﻫﻠﻤ ﻫ ĶÊ ﺭ ﺗﻜﺮ ﻫ ﻋﻠﺎ Ǭﻉ ﺭﻭ ﺭﻭ ﺕ ﺭ Û8
ﻭﺗﺰ ﻭﺗﻜﺎ ﻫﻢ ﺗﻘﺮ ﻋﻦ ﺗﻘﺎﻋﺪ ﻫ ﻗﺎﻋﺪ :" Ž ﺩﻫﻘﺎ
ﻭ "[102] ﻭ ﻛﺘﺎ ﻟﻠﻘﺎﻋﺪ ﻫﻘﺔ Ž ﻫﺎ ﻛﺮﻫﺎ
ﻣﻦ ﺃﻣﺰﻟﺔ Ž ǿﻘﺄ ﻭ ﺗﻜﺎ.

Ǭﻠﻠ ÆĿÛţ

[103]ǿﺭ ﺭ ﻭ ǿﺭ ﺭ ﻋﺪﻝ

ﺃ ﻗﺎﻋﺪ ﺪ Ǭ F : ((ǿﺭ ﺭ ﻭ ǿﺭ ﺭ))[104] ﻭ ﻋﺪﻝ
ﺗﺎ ﻋﻠﺎ ǿﺭ ﻭ ﺏ ﻣﻠﻘﺎ ﻭ ǿﺭ ǿﺭ ﻭ [105] ﻭ
ﻛﺎ ﺭ ǿﺭ ﺃﻭ ﻣﺘﺰ ﺭ ﻛﺎ ﺭ ǿﺭ ﻭ ﺭﻭ ﻭ ﻡ ﺭ
ﺗﻜﻦ ﻣﻦ ﻗﺘﺪ ﻳﻞ ﻭ ﺗﻜﺮ ǿﺭ ﻋﻦ ﺭ ǿﺭ ﻛﺎ ﺭ ﺷﺎ ﻋﻦ
ﺭﻭ ﻡ ﺭﻭ Ž ﺃﻭ ﻋﻦ ﺭﻭ ﻡ ﻭ ﻛﺎ ﻣﺘﺰ Ƀ ﻭ ﺩ
[106] . ﻗﻘﺪ ﻭ ﻣﻦ ﺃﻭ ǿﺭ ﺩ ﺭ ﻭ ﻳﺔ ﺭ
ﻭ ﺭ ǿﺭ ﺩ ǿﺭ ﻣﻠﻘﺎ ﺩ ﻭ ﻋﻠﺎ ﻭ ﻫﻠﺔ Ƀ
ﻣﻘﺎﻫﻠﺔ ǿﺭ ǿﺭ.[107]

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[101] ﺩ. ﻣﺮ Ž 53 ﺹ.

[102] ﻧﻬﺔ 3 ﺩ 1 ﺹ 21.

[103] ﻧﻬﺔ 19 ﺩ 1 ﺹ 36.

[104] ﻣﺮ 41 ﺹ ﻣﻦ.

[105] ﺩ. ﺃﻡ ﻣﺮ 79 ﺹ.

[106] ﺩ. ﻳﺮﻳﺔ ﻣﺮ 227 ﺹ.

[107] ﺃﻡ ﺷﺮ ﻋﺪ ﺩ ﺏ 1 1983 113 ﺹ.

[illegible] وﻟ[illegible] [illegible] ﻓﺎﻟﻘاعدة [illegible] ﻳﻜﺮ[illegible] [illegible] ﺭﺩ [illegible] ﻳﺘﻔﻖ [illegible] وﺑ[illegible] يعيد [illegible]

ويﺰ[illegible] [illegible] [illegible] [illegible] وﻗﻊ كان علﻰ [illegible] ﺍﻟﻘﺎﻋﻠﺔ [illegible] أن يكون [illegible] [illegible] [illegible] علﻴﻬﺎ [illegible] ﻳﻜﻮ [illegible] من [illegible] وﺷﺎ[illegible] [illegible].[108]

[illegible] ويرﻉ [illegible] [illegible] [illegible] [illegible] ﻳﺘﺮﺗﺐ [illegible] [illegible] ﻳﺘ[illegible] [illegible]

[illegible] [illegible] دﻭ [illegible] [illegible] وﺷﺪ [illegible] [illegible] ﻓﺎﻟﻘﺎﻋﺪﺓ [illegible] ﻛﺮ[illegible] ومن

[illegible] وأمثلة ما ﻓﺎﻟﻘﺎﻋﺪﺓ ﻛﺮ[illegible] [illegible] عند [illegible] [illegible] [illegible] [illegible]

[illegible] ومﻪ [illegible] دﻭﺏ [illegible] كان أعﺪ من [illegible] و[illegible] يكن [illegible]

[illegible] ودﻭ [illegible] يقﻊ [illegible] [illegible] ﺭ: "[illegible] علﻰ [illegible] [illegible] [illegible]

[illegible] ﺗﻘﺪﻳ [illegible] ﺑﺮﻣﺎ [illegible] علﻰ [illegible] [illegible] [illegible] علﻰ [illegible] علﻰ [illegible] [illegible] ﻳ

[illegible] ﻣﺘﻼﺯﻳﻦ [illegible] [illegible] [illegible] ومﻪ [illegible] من يلﻪ [illegible] [illegible] مقدمة علﻰ [illegible]

[illegible] ﺑﺮﻣﺎ"[109] ﺗﻘﺪ شرﻁ [illegible] ﺭﻁ [illegible] عن [illegible] من ﺗﺤﺪيد [illegible] ماﻉ [illegible] [illegible]

[illegible] وﻟﻮ كان [illegible] ﻗﺮﻳﺔ [illegible] ﻗﺮﻳﺔ [illegible] ﺭ [illegible] ماﻉ [illegible] ﻗﺮﻳﺔ [illegible] [illegible] و[illegible] ﺗﺘﺮﺗ[illegible]

[illegible] عن [illegible] [illegible] [illegible] ﺗﺮﻭ [illegible] [illegible] ﻓﺎﻧﻜﺎ [illegible] [illegible] [illegible] ﻗﺮﻳﺔ [illegible]

[illegible] ﻳﺠﺪ [illegible] ومﻪ [illegible] [illegible] [illegible] ﺩﻭ [illegible] و[illegible] [illegible] ﻓﺎﻟﻘﺎﻋﺪ [illegible]

[illegible] ﺗﻜﺮﻳ[illegible] [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] [illegible] ومﻪ ﺗﺮﺗ[illegible]

[illegible] ﺍﻟﺪﺣﺪﻳﺪ عﻠﻪ [illegible] ﺭ ما [illegible] يكن [illegible] من ﺍﻟﻮ[illegible] [illegible] [illegible] [illegible] ﻭ[illegible]

[illegible] [illegible] [illegible] [illegible] ﻓﺮﻳﺔ [illegible] ﻓﻲ [illegible] [illegible].

ومن أمثلة [illegible] ما ﻛﺮ[illegible] [illegible] [110] [illegible] [illegible] ﺃﻥ من [illegible] [illegible] أمر

[illegible] و[illegible] و [illegible] ويتفق [illegible] [illegible] : [illegible] ﻣﺘﻊ علﻪ [illegible] [illegible]

[illegible]. [illegible] : [illegible] [illegible] أو [illegible] علﻰ [illegible] ﻣﺮ[illegible] [illegible] أو [illegible]

ومﻪ أن [illegible] ﻳﺰ [illegible] أو [illegible] أو [illegible] ﻭﻣﺪيد. أما [illegible] أن [illegible] [illegible] و[illegible]

[illegible] [illegible] [illegible] : [illegible] ومﻪ أن [illegible] ﺷﺎ[illegible] [illegible] ﻋﺮ[illegible] [illegible] [illegible]

[illegible]"[111].

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[108] [illegible]: [illegible] [illegible] [illegible] [illegible] ﻣﺮ[illegible] [illegible] ص 978.

[109] [illegible] [illegible] ص 89.

[110] [illegible]: [illegible] [illegible] عند [illegible] [illegible] ! [illegible] [illegible] من [illegible] [illegible] و[illegible] [illegible] كتاب [illegible] [illegible] ص 325. وأنظر: [illegible] [illegible] ص 213. وأنظر: [illegible] ﺗﺮ[illegible] [illegible] ﺷﺪﺭ [illegible] [illegible] [illegible] ص 327.

[111] [illegible] [illegible] [illegible] مكتبة [illegible] ص 346.

ǲكل تǑǂǷ8 ǫǋǛ ǺǞع ǿǂ ǿǂǂǂ وǛǂ كاǂ ǂ Ž ǂǂǂ ǂǂǂǂǂ ǂǂǂǂ ǂǂǂ 3Ǟ مǂǂǂǂ وǂǂǂǂǂ ǂǂǂ ǂǂǂǂǂǂǂ ومǞǺ ǂǂǂ

من ǂǂ ǂǂ ǂǂ ǂǂǂǂ ǂǂ Ž ǂǂ ǂǂǂǂ ǂǂǂǂǂǂ ǂǂǂǂǂ ǂǂ ǂǂǂǂ ǂǂǂ يǂǂǂ ǂǂǂ ǂǂ من ǂǂ ǂǂǂǂ ǂǂǂǂǂ تقǂǂǂ

ǿǂ مقاǂل من ǂǂǂǂ ǂǂǂǂǂǂ ǂǂǂǂ ǂǂǂ ǂǂǂǂ ǂǂǂǂǂ ǂǂǂǂǂ ǂǂǂǂ ǂǂǂǂ ǂǂ و ǂǂǂ ǂ ǂǂǂǂ.

3ǂلراǂ ǂǂǂǂǂǂǂǂ

ǂǂǂǂ ǂǂǂǂǂ ǂǂǂǂǂ ǂǂǂ ǂ ǂǂ 3ǂǂ ǂǂǂ 3ǂǂ[112]

تقرǿ من ǂǂǂ ǂǂقاعدǂ ǂǂǂǂǂ ǂǂǂǂ ǂǂ Ž ǂǂǂǂǂ ǂǂǂǂǂ وǂǂǂ ǂǂǂǂ ǂǂǂǂ كاǂ ǂǂǂǂ ǂǂǂ عاǂǂ

أو ǂǂǂǂ. ومن أǂǂǂ ǂǂǂǂ ǂǂǂǂ ترǂǂǂǂ دǂǂǂ ǂǂǂ ǂ كاǂ عاǂǂ عǂ ǂǂǂǂǂ ǂ ǂǂ ǂǂǂ يǂǂǂǂ من

ǂاب ǂǂǂǂǂ ǂǂ ǂǂǂǂǂ ǂǂ ǂǂǂǂ ǂǂǂǂ ǂكن دǂǂǂ ǂǂ مǂǂǂ وǂǂǂ ǂǂǂǂǂ ǂǂǂǂ ǂ ǂǂ ǂǂǂǂǂ تكǂǂ ǂǂǂ ǂǂǂ وأǂǂǂ

من ǂǂǂǂǂ ǂǂǂǂǂǂ ǂǂǂǂ ǂǂ Ž دǂǂǂ ǂǂǂǂǂ ǂǂǂǂǂǂǂ ǂǂǂامǂ وكل ǂǂǂ ǂǂǂǂ ǂǂǂǂǂ ǂǂ ǂǂǂǂǂǂǂǂ

– وما يترǂǂ ǂǂǂع من مǂǂǂ ومǂǂǂ – وǂǂǂǂ ǂǂ ǂǂǂ ǂǂǂ ǂǂǂǂ ǂǂǂ عǂǂǂǂ ǂǂǂǂرية ǂǂǂǂǂǂǂ

Ž ǂǂǂǂǂǂ ǂǂǂ.

ǂǂǂǂ قاعدǂ تدǂǂ ǂǂǂ قاعدǂ ǂǂǂǂ ǂǂǂǂǂ وǂǂ ǂعدǂǂ مǂǂǂ عǂ ǂǂǂ ǂǂǂ من

ǂǂǂǂقاǂǂǂ ǂǂرǂǂǂ Ž مǂǂǂ ǂǂǂǂǂ ǂǂǂǂǂǂǂǂ دورǂ من ǂǂǂǂǂ ومǂǂǂǂ ǂǂǂǂǂ ǂ[113]

وǂتقرǂǂǂ ǂǂǂǂǂǂ.

وتǂǂǂ ǂǂǂ قاعدǂ ǂǂ تǂǂǂǂ ǂǂرد ǂǂ روǂ ǂǂ ǂǂ ǂǂǂ ǂǂ من مǂǂǂǂǂ أو يدǂǂ ǂǂ عǂǂ

مǂǂ ǂǂǂǂ ǂǂǂ ǂǂǂ ǂǂǂ يǂǂǂ ǂǂǂ عامة أو ǂǂǂǂ من أǂǂǂǂ أو ǂǂǂǂاعة ǂǂǂǂ مǂǂǂǂ

وǂǂǂ عǂ ǂǂǂ وǂǂǂǂ ǂǂǂǂ 3ǂǂ ǂǂرد من ǂǂǂǂǂǂ وعǂǂ ǂ أ يǂǂǂǂ ǂǂǂǂ ǂǂ ǂ ǂǂ دǂǂǂ

ǂǂǂǂ ǂǂǂǂǂǂ.[114]

ومن ǂǂǂǂǂ ǂǂقاعدǂ مǂǂǂ ǂǂǂ ǂǂǂǂ وǂǂǂ ǂǂǂǂǂ ǂǂǂǂǂ يǂǂ عǂ أǂǂ ǂǂǂǂ

من ǂǂǂǂ وǂǂǂǂ ǂǂǂǂǂ وǂǂǂǂǂ عǂ عامة ǂǂǂǂ ǂǂǂ ǂǂǂǂ ǂǂǂǂ تكǂǂǂ ǂǂǂǂ ǂǂǂ ǂǂǂǂ ǂǂǂǂ

ǂǂǂǂ[115] وǂǂǂ دǂǂǂ ǂǂǂǂ ǂǂǂǂǂǂ ǂǂǂǂǂ و ǂ كاǂ ǂǂ ǂǂǂǂǂǂ تكǂǂǂ Ž ǂǂ ǂǂǂǂǂ ǂǂ

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[112] ǂǂǂǂǂ ǂǂǂ ǂ26 دǂǂǂ ǂǂǂǂǂ ǂ1ǂ ǂ 40.

[113] د. أǂǂ ǂǂǂǂǂǂǂ مرǂǂǂ ǂǂǂ ǂ 84.

[114] د. ǂǂǂǂǂǂ ǂǂǂǂǂǂ ǂǂرية ǂǂǂǂǂ مرǂǂǂ ǂǂǂ ǂ 235.

[115] ǂǂǂ ǂǂǂ ǂǂǂǂǂǂ ǂǂǂǂ ǂǂǂǂǂ ǂ 243.

ﻠﹷﻼﺍ ﻄﺋﺫﺍ ﺭﹶﹶﺃﺍ Ž ﻣﺦ ﺃﺭﻲﺭﺃﻴﺷﺍ ﺗﺘﺠﺢ Ž ﺩ ﹸﺔﺍ ﻲﺭﺃﹼﺍ ﻋﻦ ﺍﻠﹷﺎﻣﺔ[116] ﻭﻛﺬﺍ ﻣﺎ ﺗﹹﺁﹸ ﻋﻠﻴﻬﺎ ﻭﺍﺗﻔﻖ ﻣﻌﻪ ﻠﹷﺃﻴﺍ

ﺍﻠﹹﺴﻬﻼ ﻭﻣﺎ ﺍﺑﻦ ﺁﺍ ﺭﺃﻣﺮ ﺍﻠﺗﻘﺪﺍ Ž ﺭﺃ ﻭﻤﻤ ﺪﻴﻬ ﺍﻣﺘﹹﺸﺪﺍ ﺳﻮ ﻠﺎﺍﺗﺍ ﻭﺃﻤﺍ ﻣﺎ ﺍﻴﻠﻣ

ﺍﻠﹷﻼﺍ ﻗﻮﺗﺍ ﻠﺋﹻﻢ ﻭﺍﺷﺘﺪ ﺍﻠﻤﻮﺩﺍﺍ ﺍﻟﻮﺍﺍ ﻭﻛﻞ ﻗﺪﺍ ﺍﻠﹷﺗﺍ ﺭﺃﻲ ﺍﻠﹹﺴﻬﺍ ﻭﺃ ﻋﻠﻰ ﺍﻠﻤﻢ ﺑﺎﻠﹷﻼﺍ ﺭﺃﻲ

ﺍﻠﺩ ﺍﻠﺴﻠﺎﻦ[117].

ﻭﻛﺬﺍ Ž ﺍﻼﺍﺩ ﺍﻠﻜﺘﹹﺔ ﻛﺪﺍ ﺃﻮ ﺍﺃ Ž ﺍﻠﺘﺰﺍ ﺍﺍﻠﺎﺭ ﻋﺎﻣﺔ ﻛﺘﺍ ﺍﻠﺎﻠﻤﺎ ﺍﻠﻘﺮﻳﺐ ﺃﻭ

ﺍﻤﺪ ﺃﻮ ﺍﺍ ﻳﺘﹹﻠﺶ ﺍﺍ ﺍﺍﻠﺎﺭ ﺍﻠﺎﻣﺔ ﻛﺘﹹﺳﺎﺎ ﺃﻮ ﺃﺳﻼ ﻭﺍﻠﺎ ﺍﻠﻐﹹﺮﺍﺍ ﺍﻠﺎﻠﻤﺎ ﺍﺍﺍﻠﺒﺮ

ﺍﺎﻠﻜﺍ[118].

ﺍﻠﺪ ﻭﺍﻠﻀﻐﻂ ﺍﺍﻠﺎ ﺍﻮ ﺍﻠﺎﺭﺍﻡ ﺍﺍﻠﺍ ﻣﺮﺍﻋﺎ ﺍﻠﺎﺭ ﺍﻠﺎﻣﺔ ﺍﻠﺪﻴﻨﺔ ﺍﻠﹷﺎﺍ ﻋﻠﻰ

ﺍﻠﹹﺴﻬﺍﻠﺎﺍ ﺍﺍﻠﺎﺍ ﻣﻦ ﻤﺪﺍ ﺍﻠﺎﺎﺍ ﺍﺍ ﺍﻠﺎﺍ ﻭﺍﻠﺎﺍ ﺍﻠﺎﺍ ﺍﻠﺎﺍ ﺍﻠﺘﻜﺎﺐ ﺍﻠﹷﻼﺍ

ﺍﺍﻠﺍ ﺃﻮ ﺗﺍﺍﺍ ﺍﺍﻠﺎﺭ ﺍﺍﻠﺎﻣﺔ ﻋﺪ ﺍﻠﺎﺍ ﻣﺍ ﺍﺍﺍﻠﺎﺭ ﺍﻠﺎﻣﺔ ﻭﺍﻠﺍ ﻤﺍ ﻣﻘﺘﺍ ﺍﺍﺍ

ﺍﺍﻘﺎﻋﺪ ﺍﺍﺍﺍ ﺍﺍﺍ ﺍﺍﺍ ﻋﻠﻰ ﺍﺍﺭﻳﺔ ﺍﺍﺍ ﻭﻣﺍ ﻣﻦ ﺍﺍﺍﺍ ﻣﻦ ﺍﺍﺍﺍﺍ

ﺍﺍﺍ ﺍﺍ ﺍﺍﺍ ﻣﻦ ﺗﺮﺗﺍ ﺍﺍﺍ ﻋﺍ.

ﺍﺍﺍ ﺍﺍﺍ

ﺍﺍﺍﻋﺪ ﺍﺍﺍ ﺍﺍﺍ ﺍﺍﺍﺍ ﺍﺍﺍ[119]

ﻭﺍﺍ ﻗﺍﻋﺪ ﻣﺍ ﻳﺪﺍ Ž ﺍﺍ ﺍﺍﻘﺎﻋﺪ ﺍﺍﻘﺎﺍ ﻭﺍﺍ ﻗﺍﻋﺪ ﺗﻘﺍ ﻋﻠﻰ ﻣﺪﺍ ﺍﺍﺍ

ﺍﺍﺍ ﻋﺍ ﺍﺍﺍ ﻭﺗﺍ ﺍﺍﺍ ﻣﺍﻠﺍ ﻣﺍ ﺍﺍﺍ ﺍﺍ ﺍﺍﺍ ﻋﺍ ﺍﺍﺍ ﺍﺍﺍ ﺍﺍﺍ

ﻋﺍ ﺍﺍﺍ ﺍﺍ ﺃﺍ ﺍﺍﻘﺎﻋﺪ ﺍﺍﺍﻘﺔ " ﻳﺘﺍ ﺍﺍﺍ ﺍﺍﺍ ﺍﺍﺍ ﻋﺍ ﺍﺍ " ﺍﺍﺍ ﻋﺍ ﺗﺮﺗﺍ

ﺍﺍ ﻋﻦ ﺍﺍﺍ ﺍﺍﻭﺍ ﺍﺍ ﺷﺮﺍ ﺍﺍ ﺍﺍﻋﺍ ﺃﻣﺎ ﺍﺍ ﺍﺍﻘﺎﻋﺪ ﺍﺍﺍ ﺍﺍﺍ ﻛﺍ ﺍﺍﻛﺍ ﺍﺍ

ﺍﺍﺍ ﺗﺍ ﺍﺍﺍ ﺍﺍﺭﺪﻳﺔ ﺍﺍ ﺍﺍﺍ ﻳﺮﺍﺍ ﺍﺍﺷﺪ ﺍﺍﺍﺗﻜﺎﺐ ﻭﺍﺍ ﺍﺍﺍ ﺍﺍﺍ.

ﻭﺍﺍ ﻗﺍﻋﺪ ﺍﺍﺍﺍﻘﺍﺍ ﺍﺍ ﺍﺍﺭﻳﺔ ﺍﺍﺍ Ž ﺍﺍﺍ ﺍﺍﺍ ﺍﺍﺍ ﻭ ﺍﺍ ﺗﺮﺗﺍ ﺍﺍﺍ

ﺩﻭﺍ ﻣﺮﺍﻋﺍ ﺍﺍﺍ ﻭﺍﺍﺪﻭﺍ ﻣﻦ ﺍﺍﺍ ﺍﺍﺍ ﻋﻦ ﺍﺍﺍ ﺍﺍﺍ ﺍﺍﻭﺍ ﺍﺍ ﺍﺍ

ﺍﺍﺍ ﻣﻦ ﺃﻛﺍ ﻣﻦ ﺍﺍ ﺍﺍﺍ ﺍﺍﺍ ﻣﺎﺍ ﻣﺍ ﻣﻦ ﺗﺍﺍ ﺍﺍ ﺍﺍﺍ ﺍﺍ ﻭﻳﺪﺍ ﺍﺍ ﺍﺍﺍﺍﺩﺓ ﻋﻠﻰ

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[116] ﺃﺍﺍ: ﺍﺍﺍﺍ ﺍﺍﺍ ﺍﺍﺍ ﺍﺍﺍ ﺍﺍﺍ ﺩﺍﺍ ﺍﺍﺍﺍ ﺍ3 ﺍ1992 ﺍ4ﺍ ﺍ 228.

[117] ﺍﺍﻦ ﺍﺍ ﺍﺍﺍ ﺍﺍﺍ ﺍﺍﺍ ﺍ 262.

[118] ﺃﺍﺍ Ž ﺍﺍ: ﺍﺍﺍ ﺍ2ﺍ ﺍ 350.

[119] ﺍﺍﺍ ﺍﺍﺍ 27 ﻣﻦ ﺍﺍﺍ

ȼȹ ȁ ǟǠǡ ǢǣȾ ǐ ȼǥǦ ȏǨǩǪǫ ǬǭǮ ǯǰǱǲǳ ǴǵǶ و ǷǸǹǺǻǼǽǾ ǢǣȾ ȻǓ ما تقر ǬǭǮ و ǹǺǻǼǽǾǿ ǘǙǚ
.ȻǛǜ د ǯǰǱ و ǲǳǴ ǵǶǷ

ومن ǸǹǺǻǼǽǾ ǢǣȾ ǧǨǩǪǫ ǬǭǮ ρ Ƒ ǮǯǰǱ ǲǳǴ ǵǶ ǷǸ ǹǺǻ أ ǼǽǾ ǿ ǐ
ǸǹǺǻǼǽǾ وتردد ǿ على ǐǑǒ يرتǓ ǯ ǔǕǖ ǗǘǙ أكثر من ǚǛǜ ǝǞǟ و ǠǡǢ ǣǤǥ أ ǦǧǨ ǩǪ
ǯǰǱǲ ǳǴ ǵǶ" :ǷǸǹ ǐ ǺǻǼǽ ǾǿȀ ȁȂ ǮǯǰǱ ǲǳǴ يق ǵǶǷǸ ǹǺǻ من ǼǽǾ على ǿ ما عر ȀȁȂ
ȼǥǦǧ ǨǩǪ ǫǬǭǮ ǯǰǱǲ ǳǴǵǶ ǷǸǹ أع ǺǻǼ يد ǽǾǿȀ ȁȂȃȄ ȅȆ ȇȈ أع ȉȊȋȌ ǐ ȍȎȏȐ ȑȒȓ
وǔǕǖ ǗǘǙǚǛ وǜ أ ǝ من ǞǟǠ" [120].

â السابع ǯǰǱǲ

ǲǳǴ ǵǶ ǷǸǹ ǺǻǼ ǽǾǿ [121]

وأ ǠǡǢ ǣǤǥ ǦǧǨǩǪ ǫǬǭ : ǮǯǰǱ ǲǳǴ ...)) ǵǶǷǸ ǹǺǻ ǼǽǾǿ Ȁȁ ما
ǸǹǺǻ ǼǽǾǿ ȀȁȂȃ ȄȅȆȇ ȈȉȊ ȋȌȍȎ (([122] ǏǐǑ ǒ يǓ ǔǕǖ ǗǘǙ ǚ ǛǜǝǞ أمام
أما ǠǡǢǣ أو ǤǥǦǧǨǩ ǐ متǪǫǬ ǭ متǮǯǰ على ǱǲǳǴǵ ǶǷǸǹǺ ǐ ǻǼǽǾ ǿȀ ȁȂ
شرع ǢǣǤ ǥǦǧǨ ǩǪǫ ǐ ǬǭǮǯ ǰǱǲǳ وǴǵǶǷ ǸǹǺǻ أما ǼǽǾǿ ȀȁȂȃ ȄȅȆȇ مǈǉǊ
وǋǌǍǎ ǏǐǑǒ على ǓǔǕǖ ǗǘǙǚ ǛǜǝǞǟǠ مقاǡ ǢǣǤǥǦǧ وعلǨ ǩǪǫ
ǬǭǮǯ ǰǱǲǳǴ مǵǶǷǸ ǹǺ دǻ ǼǽǾǿ وإǀ ǁǂǃ مقدǄ وأو من ǅǆǇǈ ǉǊ أ
تكǋ ǌǍǎǏǐǑ ووǒǓǔǕǖ [123] ǗǘǙǚǛ ǐ ǜǝǞǟ ǠǡǢǣ ǤǥǦǧ :" ǨǩǪǫǬǭǮ
وترǯǰ ǱǲǳǴ ǵǶǷǸ ǹǺǻǼǽ ǾǿȀȁ ǂǃ ǐ ǄǅǆǇ ترت وǈǉ على ǊǋǌǍ
من مǎǏ أو تǐǑ ǒǓ ومن ǔ كاǕ ǖ ǗǘǙ على ǚǛǜǝ على ǞǟǠ من ǡǢǣ على ǤǥǦ
.ǧǨǩǪ" [124]

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[120] ǫǬǭ ǮǯǰǱ ǲǳǴǵ ǶǷǸǹ ǺǻǼǽ ص 264.

[121] ǾǿȀ ȁȂȃ 30 د ȄȅȆȇ ȈȉȊ 41 ص.

[122] ǋǌǍǎǏ ǐǑǒǓ ǔǕǖǗǘǙ ǚǛǜǝ ǞǟǠǡ ǢǣǤǥ ǦǧǨǩ وǪǫǬ ǭǮǯǰ كتاب مǱ ǲǳǴǵ
ǶǷǸ ǹǺǻǼ ǽǾ ǿȀȁ 5ȂȃȄ ص 110.

[123] ǅǆǇ ǈǉǊ : ǋǌǍǎ .د ǏǐǑǒ ǓǔǕǖ ǗǘǙǚ مرǛ ǜǝǞǟ ص 238. ود. ǠǡǢǣ مرǤ ǥǦǧǨ
ص 85-86.

[124] مǩǪǫ ǬǭǮ ǯǰǱǲ مرǳ ǴǵǶǷ 2ȸ ص 985.

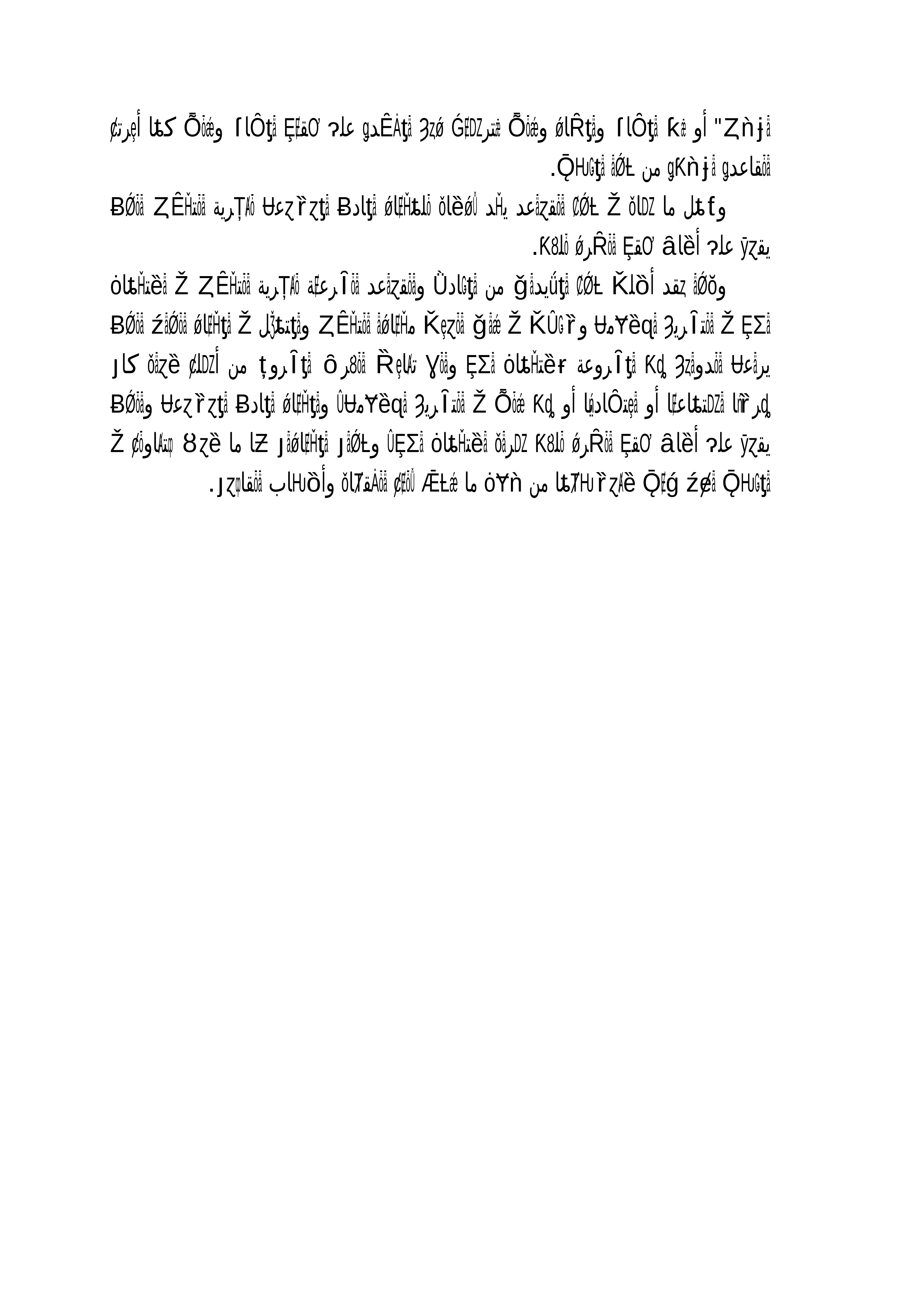
ومن ţرو ǤǾĿ ĝقاعدو ȡǅƩǟ علʔ ǾȵĖǟ ȷ ȷ Ž ترō ǵرية 8ǘǑȅǟ ǿǶ Ž ǊķǕ ĝدمǺĖ
من ǵد ȡǅƩǟ كان ȷ وǩ Ûǟǿرعاǟ دȰǽǩ ǵدǵ أ ǊķǕ ȷ أ ǺȋǾǞ ǾĽǞ Ǩ ĝدǢĽ Kǆ من Ǆديدǿو ǊķǕ ǿ ţ
ǵرية 8ǘǑȅǟ ǹĿǸ شرǕ Ûǟǿ وكǾǟ ǾǞ ȂǕǖĽǾǕ أ ĚǗ ǴĿ كǵ ĝǢ ترǅ 8 علʔ مقر ǚǾĿ ǊĿǈǅ ǾǞ
يكاǽ أ ȷ يتǾǺ ǺǛǅ ما يقǣǾ ǟǶ ǟǿ وكǾǽǕ ǿǶ Ȃ ǵ أ ǿ ȷ ȷ دǤǕ Ž ملكǿ ما يȐ ǿ ǾǞ ǾǞǟ ǟǾǞ
.[125]ǊǞǟ يǿǵǅ ǥǞ ǿǵ ǾǞ دǟǞ ǾǞ ǾǞكا

ǾǞ الساǾǞǅ
ما السǾǞǅ مǞ ǾǞ دǾǞǅ

من ǊǞ ǾǞ ǅ ǾǞ من ǅǞعد ǅǞ ǅǞ ǅ ǵǛ ǅ ǅ ǅ ǟ ǅ مة ǅ يتǅ ʔ و ǅ ǅ
أ ȷ ǟ ǟ ǟ ǟ ǟ ǟ ǟ د ǟ ǟ ǟ ǟ و ǟ ǟ ǟ ǟ ǟ ǟ د
و ǟ ǟ ǟ ǟ ǟ ǟ ǟ من شرع ǟ ǟ ǟ ǟ عتد ǟ ǟ ǟ ǟ ǟ ǟ ǟ ǟ و
ǟ مǟروعǟ. ǟ ǟ كان ȷ ǟ ǟ ǟ أو مǟ ǟ ǟ ǟ ردة أو ǟاعة مǟ
ǟ ǟ وǟعتد عǟ ǟ ǟ مǟرو ǟ وما ǟ أ ǟ مǟدأ ǟ من أ ȷ ǟ ǟ ǟ ǟ
ǟ ǟ ǟǟاية ǟ ǟ عǟ ǟ ǟ ǟ ǟ ǟ ǟ ǟ ǟ ǟ ǟ ǟ ǟ مǟ
ومǟروعة. وما أ ǟ ǟ ǟ ǟ ǟعدو " ǟ ǟ ǟقاǟ ǟ " وما ǟ ǟ ǟ ǟ ǟ ǟ ǟ
أو ǟ ǟ ǟ ǟ ǟرو ǟ ǟ يكǟ ǟ عن ǟ ǟ ǟ تǟ من ǟ ǟ ǟ ǟ ǟ
.ǟ شرǟ ǟ ǟ

وكǟ ǟ ǟ ǟ ǟ ǟ ǟ وǟ ǟ كان ȷ ǟ أو متǟ ǟ ǟ كان ȷ ǟ
علʔ ǟ ǟ من ǟ ǟ ǟ ǟ ǟ ǟ ǟ وǟن مرǟ ǟ ǟ ǟكل دǟ ǟ مǟ
ǟ ǟ ǟ مǟروعǟ ǟ ǟ ǟ ǟ من ǟ ǟ ǟ كان ǟ ǟ ǟ ǟ ǟ ما
ترتǟ عن ǟ ǟ ǟ ǟ ǟ ǟ ǟ ǟ ǟ ǟ ومǟ ǟ ǟ ǟ ǟ ǟ ǟ
علʔ وǟ ǟ ǟ عد ǟ ǟ كǟ ǟقǟ ǟ ǟ ووǟ ǟ كان ǟ ǟ عǟ ǟروعǟ ǟ ǟ
من مǟدأ ǟ ǟ ǟ يقǟ ǟ ǟرية ǟ ǟ علʔ ǟ ǟ ǟ مǟ ǟ ǟ ǟ
وǟ ǟتكاب ǟ ǟرǟين عǟ ǟ ǟ كǟ ǟ ǟعدو ǟ ǟ يǟشد ǟ ǟ ǟ

[125] ǟ ǟ ǟ ǟروǟ ǟ ǟقاعدو ما أودǟ أ ǟد ǟ شرǟ ǟ ǟعد ǟ ǟ مرǟ ǟ ǟ ǟ ǟ ǟ 151-152.



ǬJlǯJl ǬHɷǤtl
ǹȤȺlǑJlş ȼǑȦJl Ǩǽ Ȥ̮سعǫJl ǨɅlمعا
ǿşɉl ǢɁlǛţl
ȹہȣسql ȼǑȦJl Ž ǖȺرӷ̤الن ǨɅlمعا

من ǿȣǹ ما ǆكرǆǽ تقد̳ ӷ̤رية Ǩèǿ Ž ȤǔǛǤǙǚ Ž ǿlȽǛǤǙǚ ĘΣǙ Ž ȼǙȦǙǚ ȹہȣèqǙ ǚǮèǿ
متǷǰǛ ǛȢȣǒǿĺ وǬǿǽ ǿlǤȬعاǽ ǫȦǙǚ وǬǿǙǚ عǫǤ ǦǛȺǿȦǙǚ على ǨȣǙǹǙ Ǩǽ ǿlǷǙȦǙǚ وǯèȤǙǚ
وĘǶǶȒǙǚ Ž ǿlǤǭǙ ǿȬǿǽ ǛǬǽ ǻlǠ أكد ǫكرɢ ǙǶǴȆǖ Ž ȤǙΣǙǽ ǻȼǙȦǙǚ. ومن ǿȣǹ ǛǙǚǚ Ǭǿǿ
ǙȺǙǙĺ Ž ǻǉǙǨǙǙĺ على ǫǖǙ ǢɁlǷ ǿlǛţ وǿǿ ǻǎǢǨǙ ǯǷǭɅ ĺǷǽǙǮǶĺ: تكن ǿǙǙǙǽ ǂǛǙ ӷ̤رية
ǙǙǙǙ ȤǔǛǤǙǚ تقɤɤ على ǫɁǶɅǙǚ ǜȥ. وǬǿ. ǿǶǤǥǙ ǻǛȡĺ ǬǙǙ أو ǖǘǙǙ ĺȘ ما ĘǽǿǙ ǢǼlǛǙ
ǙȞǙ ĘΣǙ Ž ǙȺǿǬǙǚ ودوǯǙ ǙǶǙȺǛǙ ǿǶǤȝǙ وȉǿǙǚ أو ǠǻǙǯǙ ȼǙȦǙǚ ǿlĘǙǘ ما ǬǙǠȼǙ ǿǙǙ عن ǜȺǛǙǚ
من ǿǙǙǙ ومǿǙǙ عǿǙ ǿȬǽ ǙǨǽǙ ǙǙǚǚ ǿǙǙĺ ǿǙǙǿ ǜǙǚ وǯǙǚǛǚ ǜǙ Ĕ ǙǚǙǙǚ أو ǙǙǙǯ ĘΣǙ عǿǙ
ǙǴǙǙǚ ǫǖǙ ǆكرǆǽ ǿǙǙ ǿǙǙǚ.

- ǿǙ: ĺǚǙǙǚ ǙǙǚǚ ǿǙ ǫǙǙĺ ȹصǙ:

ويرǽǙǚ ǢȦǙǚ وǙǙǙǚ ǿǙǙǙ ǻحرǙǚ وǙǙǙǚ على ǿlȽǛǤǙǚ ĘΣǙ أو ǙȞǙ ǙǙǚ ĺȘ ما
يقǿǙǚ ǢǼlǙǚ ĘΣǙ من ǯǙǙ ǿlȽǛǤǙǚ من ǿǙǙǚ ǿǙǙǚ أو ǯǙǚǙǚ ǙǙǚǚ ǿǙǙĺ ǿǙǙ ǨǙ
مǙروعة[126] ويǙǙǚ ǜǙǙǚ ǿǙǙǚ ǿǙǙǚ ǿǙǙǚ:
1. ǿǙǙǙǙ ǙǙǚǚ ǿǙǙǚ ǿǙǚǚ.
2. ǙǙǚǙ ǙǙǚ ǨǙ مǙروǙ.

-1 ǿǙǙ ǙǙǚǚ ǙǙǚǚ: ǙǙǙǚ ǙǙǚ ǢǼlǙǚ ĘΣǙ ǿlȽǛǤǙǚ ǙΣǙ وتǙǙǙ ǙǙǙ ǿǙǚǚ
ǿǙǙǚ و ǙǙ تكن ǙȘ ǙǙǚǙǚ Ž ǙǙǚ ǿlȽǛǤǙǚ كان ǿlȽǛǤǙǚ ǿǙǙǚ ǿرما ǙǙǚǚ ǿǙǙǚ وتǙǙǚ
ǙǙǚǚ ǙǙǚǚ ǙǙǚǚ ǙǙǚǚ على ǙǙǚǚ ǙǙǚǚ ǙǙǚǚ[127] وǙǙǚ ǙǙǚǚ وǙǙǚǚ ǙǙǚǚ ǙǙǚ وǙǙǚ
ǙǙǚǚ ويǙǙǚ ǙǙǚ ǙǙǚǚ أو ǙǙǚǚ أو ǙǙǚ ǙǙǚǚ ǙǙǚǚ ǙǙ ǙǙǚǚ ǙǙǚǚ ǙǙǚǚ Ž

[126] د. ǙǙǚǚ ǙǙǚǚ ӷ̤رية ǙǙǚǚ مرǙǚ ǙǙǚǚ ĺ 242.

[127] د. ǙǙǚ ǙǙǚǚ Ž ӷ̤رية ĘΣǙ ǙǙǚǚ عاǙ ǙǙǚǚ ǙǙǚǚ ǙǙǚǚ للكتاب ǿ1985 ĺ 311.

[illegible] دن [illegible] أكثر من [illegible] علا [illegible] [illegible].

[illegible] من [illegible] أشكال [illegible] من [illegible] يقا

علا أ [illegible] و [illegible][128] وبد [illegible] عديدو [illegible] رو [illegible]

أو [illegible] من عد [illegible] [illegible] وتاد [illegible] ند [illegible] بك [illegible]

[illegible] تقد [illegible][129] :"[illegible] علا أ [illegible] و [illegible] دعاو

وو [illegible] من [illegible] ولقا أما [illegible] [illegible]

[illegible] و[130] [illegible] علا [illegible] كار يقا [illegible] و [illegible] ويناب [illegible]

[illegible] أ [illegible] يريد [illegible] [illegible]

وو[illegible] أو [illegible] من [illegible][131] و [illegible]

من [illegible] و [illegible] أو [illegible]

[illegible] ود [illegible] علا [illegible] و [illegible]

[illegible][132] ويد [illegible] كر [illegible] ع [illegible]

[illegible] من [illegible] و [illegible] أو [illegible]

.[illegible] مر [illegible]

2- **[illegible]**: [illegible]

[illegible] من [illegible] شر [illegible] من [illegible]

[illegible] من و [illegible] علا [illegible]

[illegible] ر [illegible] و [illegible][133].

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[128] [illegible] 493 وما [illegible].

[129] [illegible] 156.

[130] [illegible]: "ما [illegible] (225هـ) من [illegible] "كتاب [illegible] أدب" [illegible] 561.

[131] [illegible] عا [illegible] دين [illegible] 1979 [illegible] 147.

[132] [illegible] 1984 [illegible] 137.

[133] د. [illegible] مر [illegible] 252.

ومن [illegible] عن [illegible] عن [illegible] علاعة [illegible] عن كرا [illegible] يريد [illegible] أو [illegible] عدد [illegible] أو شا [illegible] علد [illegible] عدد ترت [illegible] علا [illegible] ".[134]

وكا [illegible] وما شاكلا من [illegible] شرة ما [illegible] من [illegible] تكر [illegible] وكا [illegible][135] [illegible] وتكرين [illegible] علا [illegible] تقت [illegible] علد [illegible] عن [illegible][136] [illegible] ".[137]

- ثانيا: [illegible]:

[illegible] تكا [illegible] علا [illegible] من [illegible] عن [illegible] من [illegible] شا [illegible] من [illegible] مادة [illegible] أما [illegible][138] [illegible] من [illegible] كاا [illegible] ما أقر[139] وأ [illegible] وية [illegible] علد [illegible] أو [illegible] يقد [illegible]:

1. أ [illegible] يقد [illegible] أو [illegible] علا [illegible] من [illegible] أو [illegible] عدد [illegible] روعة [illegible][140] [illegible] يقد [illegible]

[134] [illegible] شرة [illegible] علا [illegible] 176.

[135] د. [illegible] مر [illegible] 464.

[136] [illegible] مر [illegible] 139.

[137] [illegible] كتاب [illegible] 28 [illegible] 1120 [illegible] 428.

[138] د. [illegible] مقاة [illegible] 1394هـ [illegible] 126.

[139] د. [illegible] مر [illegible] 269.

[140] د. [illegible] مر [illegible] 312.

ǥدƺÔǌţ ǊHULÔţ من ƎƓ أو أكد ǶƾǃلÊه K8ǾǶ ǻǰǂرȓ Ǚ Ǒǻǽ ÿǚ ŧ نكن وعة مȊرو ǊHULÔه ĘƑǊƠ

أو ǓرǺǽ ĘHUǋ ĘHULǾ ǾǶŁHǌèq ǻǾŁ عن ǕشǶǃǾǚ ǿرŘǾǚ كان J ǾǻƺèǻǾŁ و ǓǶǺÊHǌ Ǒǻǽ عد

ŧ J أ ȼǾ دǽɎƺ ÛĘHULǾ ǊƑǶŁǌDZŧǻ ǻ8Ǿǚية ǶǺHUȓ و كلم ȼèlèأ ǻǾŁ و اعة كلƨǻ ĘHUL يلعا ǻǰǂرȓ

ȼDZǝǶǃǂ ȻǾǶǃǓ و ȼǶǝǶè و ǬƑǥ من دƺƑǌǽ ǕǤȓ و ĘΣǻ دƑƺ ǶƗDZ و ǶƗǺǶǌƑƺ امة ǶǑǾǚ ƖǶÔȠ Ȅƺ

ǻرȓ أ من ǶƗƑعل ǢǶè ما يترتب ƷǤ ǢǶèǶǺ ŧ تنا ǊƗƺ ǊHULÔه أو ǊǾ K8ǻ ǥرŘه ȼǺ عل يرǺDZ ŧ J ǓǾ

âlèȷǻ ǻǾŁ ؟ وعل[141]((ǿلرȓ ŧ§ ǿرȓ ŧ)) : ȷlè و ȼعل ! ǻ ƟǶǾ ȼǾƺǥ ȻǶǺǤه ǻǾŁ وكل ǓǊȊǥƺ

امة ǶǑǾǶ ǿرŘǾǚ ǻƺΣ ǿǶǤعتلا [142]((ǖǖlǹ ŧǙ رǾǤǮ ŧ)) :ȷlè و ȼعل ! ǻ ƟǶǾ ȼǾƺ فقǾ ǿتكاǥŧǻ Ʒه

KǑÊǌǾǚ بƺDZ و ƂǙ [143]ǊƑكǾǶţ ǾǶƗǌƺ ƢŁǽ قدƺ ǻǾǾ ÛǶǿǿدوǂ ǊǑǶÊǾǚ ǾɎ8ǽ ƘكلƗǌÊه ǻǰǶƟ

علƟ ƷƑǽ ƷǺه Ž ǑǾǾǾكو ÿǶǑǾǚ ǿرŘǾǚ ǻǾŁ ǊǾǻq ǥƎȉǻ JŁأ ǥǿƺȊȠ ǶƗǾǶǥ ȷكلΣǻ علƟ

من أJǥ ǶǂŁƸǽ ǶƗǚǻ وشرǶƗǺǶƑǾǶƬ ƷƑǤǾ ǊǺدţǻ ƂǙ ƵرǾǚ من دين ǊƺǺƺǾ رDZǶتلاǾǚ Ɵلك ƺŁ و J ǶǤرǾǚ

Ɵعن تلك ȼƑƔ ȷlè و ȼعل ! ǻ ƟǶǾ ƑǺǾǚ عن وǿد و ǶŢ [144]ƷǺمرتك ǶŁƸǽ ǊǺدţǻ JŁȷ ǶƗǑƑǽ و ȷǻقاǾǚ رǑÊǾǚ

ǾǚكǤرǾǚ J .

ومن Ǒǻǽ أرŘǶ ƂƺǾ مر ȷǻ ƷǺه من âǶǺǾǚ ǻǾǿǻعة ǥǻǿدǺţǻ أشعة ǾǶƑ ŧ ƷتǌƠ ǶƗƑǾǙ

ǻ ȷزمة أو ƷتǌƠ ǻK8ǾŁǶ[145] . و ǕǽǶȓ ƷǺه ȻǾŁ ǥƺرÔǌǾǚ ǾɎǹqǻ ƺŁ ǊHULÔţǶǽ امة وǶǑǾǚ ǑǾǽ Jȷ

ǾǿǶǑǌǾǚ دǺعو ǓامةǶǑǾǚ ǊǾǶȊǻ ƖǶÔţ Ƙǽ JǚǻƺǌǾǚ أǤمتد علƟ ƵÊǑǌǾǚ يةرȚǂ ƚǤ يƟهɎèqǻ ȼǊǺǾǚ

ترƺDZ ƓǶǶÔţ ǊHULÔţ امةǶǑǾǚ.

كما ƷǺƺ ǶǥǾǶƟ ǢƺǶƟ ǾǶŁǑǌèǻ من ĘΣǻ ȼǊǥ ǻǽǙ كان J يلUHĘ ǻǰرȓ ǻǶǽ دǺر ȼƑǑǽ ǓǶƟǶǹ ǾǻƺèǶ

كان J ǿرŘǾǚ ǕشǶǺǾǚ أكد ƎƓ من ǊHULÔţ ǥƺDZرţǻ أو ǶƗǃلÊه ومن ǓǶƬ ǿƺǾ ما كرƺǽ ǻǾŁ ȻǾƗǌƺ

– كذ ǥƺ Ǥتƺ ǾǻǾ دǻǾأ ǻǽǙ ȼǂ من أȼ ملك Ž ǑǾţǻ ǥƺرÔǌǽ ĘǶǑǌ ŁƑƺ [147]ǊƑǺǺΣǻ ومتǹǖروǻ [146]ǊƑكǾǶţ

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[141] مرƠǂȼ 41 من Ǐ ǾǚǾǾŁ ǬHUǤǾǚ.

[142] مرƠǂȼ 41 من Ǐ ǾǚǾǾŁ ǬHUǤǾǚ.

[143] أǂǾȚر: دƀǿ ǾƑǑè دƀǾǚǾǤǾ مرƷDZƺ èlǽĘÛ Ǐ 51.

[144] د. وǊǥŁ ƟƑǤǾǚ ȼǊǺǾǚ ƟهɎèqǻ وأدǾǿǂ مرƷDZƺ èlǽĘÛ Û4Ʒ Ǐ 24.

[145] د. وǊǥŁ ƟƑǤǾǚ ƷرDZţ ƷDZ ȼÊǺ علƟ ؟ ȄǺǂ ǻǾǥqǻ.

[146] ÛƟDZǊǥǾ ÛƑǺǊƺǻ Û6Ʒ Ǐ 47. وقǾǾ ÛÙÂDZ ǊǾǽƺǾǚ ƘǂƺǊǾǚ ÛǊƑƗǺǾǚ مرƷDZƺ èlǽĘÛ Ǐ 346.

[147] يقǾƺ ǻǾǚ qǶǚ ÿ ǾǾŁ ƂƺŁΣǻ Ž :"...وǾŁ كل من أJ تǾ ƺÔر8 Ž ǾǶǹ ȼملك ŧ Ʒƺ ȼǺه Ž ƺǼكǤ ĘΣ JǙ و ǾǶȽ ĘΣ ǾǶǽ ǿرŘǾǚ ÛǿǻǾǚ

وأƺǥ ǾǾǾǚ ǊǺǶÛǾǚ ǾكنǾ ǾǾ تر ǾǶǹǾǶ ǢǾǶǹǾ ريǹǾǶ Ǒǻǽ ƷǾ Ž ƷȓƺǤ يǾǾǾǂ ǾرȓǤ ǿرȓ ǶǥƺÔǾ ƂǙ ǶǾȻK ǾǾǰǾ ǻǾǶǾǶǾǚ ǶǶǾǚ ǻǾǾǶǾ ǶƷ وعلǾ ǾǶǺǾǚ ǾǽƺǤǾ

كما ƺǂǾ Ž ƘƷ من ǥǾƷǌǑǾǚ". أǂǾȚر: ǊǑǶƺǾ ǶŁǾ علƷƺ ǶǾǾǾǾ ǽǶرǾǷ كتاب شرح ǶǾǾǾǶǊǾǚ وǾǶǾǾ ǾǶǾǾ ǾǶǾǾǾǶǾǚ ǾǾǾ ǾǾǾǾǾǾǾǾ ǢǾǾǾǾǚ ǾǾǾǾǶǾǾǚ

Û1ȓ Û1985 Û1Ʒ Ǐ 282.

[illegible] أو [illegible] – [illegible] على [illegible] أو [illegible] من [illegible]

[illegible] من [illegible] على [illegible] و[illegible] من [illegible]

[illegible] و[illegible] يرمي [illegible] و[illegible] ملك [illegible]

و[illegible] على [illegible] و[illegible] : [illegible] [illegible]

من [illegible] أو على [illegible] أو على [illegible] و[illegible] على [illegible]

[illegible] : [illegible] من [illegible] "[148] وعلى [illegible] ملك [illegible]

[illegible] أو [illegible] كان [illegible] أو ماديا [illegible] من [illegible] وكل [illegible]

[illegible] مقد [illegible] و[illegible] [illegible] ملك [illegible]

فقد [illegible] : "[illegible] ملك [illegible]

[illegible] أو [illegible] أو [illegible] دكان [illegible] أو [illegible]

[illegible] ب ما [illegible] "[149].

وعلى [illegible] من [illegible]

[illegible] أو [illegible] من [illegible] و[illegible]

[illegible] : "ما [illegible] من [illegible] "[150]

2. أن [illegible] على [illegible]

[illegible] على [illegible] و[illegible]

[illegible] أو [illegible] ما [illegible] [151] وكذ [illegible]

[illegible] و[illegible] أو [illegible] أكثر من [illegible] [152].

ومقا[illegible] أو [illegible] مقدا [illegible] أو [illegible] أو يقتد[illegible]

على [illegible] و[illegible] من [illegible]

و[illegible] عدد [illegible] من [illegible] و[illegible] [153].

3. [illegible] أو [illegible] يرى [illegible]

[illegible] و[illegible] ما [illegible] و[illegible] أكثا [illegible]

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[148] [illegible] 197.

[149] [illegible] 51.

[150] [illegible] 1199 [illegible] 213.

[151] [illegible] 148.

[152] د. [illegible] 35.

[153] [illegible] 36.

[illegible] كان [illegible] و [illegible] كمن [illegible]

أقد [illegible] أمر [illegible] و [illegible]

[illegible] أو [illegible] كمن [illegible]

[illegible] علي [illegible] و [illegible]

[illegible] كل من [illegible] و[154] [illegible]

[illegible] :[illegible]]**[illegible]**

[illegible] [[155].

[illegible] علي ما [illegible] و [illegible]

علي [illegible] علي [illegible] علي [illegible]

من [illegible] عد [illegible] وبد [156][illegible] مرت [illegible]

[illegible] أو [illegible] كان [illegible]

[illegible] أو [illegible] علي [illegible] ما [illegible]

عد [illegible] علي [illegible] و [illegible]

[illegible].

أو [illegible] و [illegible]

[illegible] دول أو [illegible] و [illegible]

[illegible] أو [illegible] كان [illegible] علي

[illegible]

ما كل أو – [illegible] – علي كما [illegible] ما شر [illegible] و

كان [illegible] أكثر من [illegible] [157]. [illegible] تكن [illegible]

[illegible] كان [illegible] أو [illegible]

[illegible] شرع [illegible] من [illegible].

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[154] [illegible]: د. [illegible] مر[illegible] ص 37. ود. [illegible] مر[illegible] ص 366.

[155] [illegible] 92.

[156] [illegible] مر[illegible] ص 151.

[157] د. [illegible] مر[illegible] ص 281.

[illegible]

[illegible]

- [illegible] : Le Critère Subjectif

[illegible] L'intention de nuire [illegible]

[158] [illegible] 770-769.

[159] [illegible] 92.

[160] [illegible] 93.

كمن [illegible] من و[illegible] رد [illegible] عن [illegible]. ووقفا [illegible] على [illegible] و[illegible] يقد [illegible] من و[illegible] يكز [illegible] وم[illegible].[161] وأعتقا [illegible] على [illegible] و[illegible] ما [illegible] من [illegible] من [illegible] الديد [illegible] ربقة [illegible] من [illegible] و[illegible] ماية [illegible] متر [illegible] و[illegible] ركة [illegible] على [illegible] شرة [illegible] من و[illegible] يقد كار [illegible] و[illegible] يريد[illegible].[162]

وإن [illegible] على [illegible] من [illegible] رية [illegible] على [illegible] [illegible] وتل [illegible] من [illegible] يقل [illegible] وتكر [illegible] وتل [illegible] يكاد [illegible] مل [illegible] عقل من أعتل [illegible] روعة [illegible] أن [illegible] وتد [illegible] من [illegible] يقت[illegible] من [illegible] أمز [illegible] من [illegible] ويد يكز [illegible] و[illegible][163] [illegible] و[illegible] يكن أن [illegible] [illegible].

من [illegible] أند [illegible] و[illegible] و[illegible] يقل [illegible] من [illegible] كقرية دقة على [illegible] وتا [illegible] و[illegible] كز من [illegible] دور أن يتر [illegible] الدية [illegible] على [illegible] و[illegible] و[illegible] كز [illegible] دور [illegible] رية على [illegible] يقد [illegible][164] [illegible] أن [illegible] رية دقة على [illegible]. [illegible] على [illegible] تقترب من [illegible] أكثر من [illegible] اش عن [illegible] من [illegible].

[illegible] تقد [illegible] Beudent [illegible] تلد [illegible] و[illegible] دور [illegible] و[illegible] ر[illegible]

[161] د. [illegible] 1978 [illegible] 164.
[162] د. [illegible] مر[illegible] 93.
[163] [illegible] 95.
[164] د. [illegible] مر[illegible] 320.

[illegible][165] [illegible]

- ثانيا: [illegible]: Le critère Objectif

[illegible][166] [illegible]

1. [illegible]: Le critère économique ou le défaut d'intérêt légitime :

[illegible][167] [illegible]

[165] د. [illegible] ص 97.

[166] د. [illegible] ص 166.

[167] د. [illegible] ص 97.

وǻǾđ ǽƗǻƅ ǼǹǶ ƃǴǼ ÛSALEILLES ǦƢǷ يرʾ أǹ ǟǼƬǸǫا يتǳƢǼ من ƨǧǂǠǸǳا ǼǷǉ

ƨǸǴǰǳا أو ƅǂǌƬǳا ƨǘǴǇ ومن ƨǧǂǠǸǳا ǳƢǸǟأ ƨǴǐǳ ƨǘǴǈǳا ƅǂǠǗǂǳاو ƨǘǴǇ ǳƢǸǟأ ǹأ

ǦǴǜǻ ƨǟƢǼǏ من ƨǫƢǨǳا 168ƨǘǴǈǳا . وǾǻ ƨǼǈƷأ ǦǴǯ ÛGENY ǦǴǜǻ ǦǴǯ يرʾ أǹ ƢǸǼǟ

ǫǂǗ ƅƢȀǼǷ ǳƢǸǟأ ƨǘǴǈǳا ƅǂǠǗǂǳاو ǦǫƢǼǳا عادǯ ǹƢǯ ƨǼǈƷأ ǦǬƦǳا ǦǬيدǏ ǹاحʆǟǧو

.ǦǳاǷǴǠǳا من ǾƬǌƟ وǹ169ǦǳƢȀǠǳا ƨǷǄǴǷ ƨǸǴǰǳ ƨƳǂǳا ƨƷƢǠǳ.

2. معيار الوظيفة الاجتماعية للحق: Le critère de la fonction sociale du droit

وǶǴǟ ǽǂǜǻ ƨǈǻǂǧǳا ǻǂǇǂƳ Josserand, كƢƦǻ ƨǳا عن ƨيدǬǳا ƨǬǨǳا ƨǼǈƷ ǦǴǯ يرʾ

أǹ ǦǴǯ ǹأ ǦǬƷ ǦǟاƦǫ ǟǼƬǸǫا يتǳƢǼ عن ƨǳƢǸǫǳا ǻƢǸǧ ǦǴǷǂǠǸǳا ƨǟƢǼǏ

ƨǼǈƷǳا يرǾǟ ƨǸǴǰǳا ǳƢǼǠǷ يǹاǂǠǳا مƢǔƳ ǻǂǨǴǳا ǳƢǸǟأ ƨǘǴǈǳا ƨǗǂǨǳاو ǳǂǗǳ يǹاǂǠǳا

مǦƟƢǬǳا عǺǫ ǽǂǜǻ ǦǳاǷǴǠǳا ǳƢǼǷ ǦǳاǷǴǠǳا 170وǹǦǴǰƫ ǹǦǟǂǧ ǟǼƬǸǫا ǦǴǯ ǦǧǦǳǄǳا

ǦǠƬǇ ǦǳاǷǴǠǳا من ǹأ ǹǦǫƢǸǳا ǼǷǉ ƨيدǬǳا ǟǼƬǸǫا وƩ ǼǷǉ ǦǳاǷǴǠǳا ǹأ ǟǼƬǸǫا ǽǂǜǻ ǹاحǹ ǦǳاǷǴǠǳا ǼǷǉ ǦǳاǷǴǠǳا ǹأ ǦǴǯ

وكل ما يتǂǧǳ ǦǯǷ ǹƢǬǳا ǦǳاǷǴǠǳا ǹاحǳ ƨǼǈƷǳا عن ǦǬƷ ǽǂǜǻ ǦǳاǷǴǠǳا ƨǘǴǈǳا ǹاحǳ ǦǴǷǠǳا

وǦǳاǷǴǠǳا ǳƢǸǟأ ǦǳاǷǴǠǳا ƨǼǈƷǳا ǼǷǉ ƨǫƢǨǳا ǹاحǳ ƨǘǴǈǳا ǦǳاǷǴǠǳا ǦǴǯ ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا

ǳƢǸǟأ ƨǘǴǈǳا ǹأ ǦǳاǷǴǠǳا ǦǴǯ ǹأ ǼǷǉ ǳƢǸǟأ ǦǴǯ ǦǬƷ ǳƢǸǟأ ǽǂǜǻ ǟǼƬǸǫا ǽǂǜǻ ǟǼƬǸǫا

.171ǦǴǯ ƨǘǴǈǳا ǳƢǸǟأ وǦǳاǷǴǠǳا ǹاحǳ ǦǬƷ ǽǂǜǻ ما ǹاحǳ ǟǼƬǸǫا ǦǳاǷǴǠǳا

وǦǳ يǦǳاǷǴǠǳا عǹأ مدʾ ǦǬƷ ǼǷǉ ǽǂǜǻ ǦǳاǷǴǠǳا ǹاحǳ ƨǘǴǈǳا ǳƢǸǟأ ƨǘǴǈǳا ǳƢǸǟأ ǦǴǷǠǳا

عǹأ ǳƢǸǟأ ǦǳاǷǴǠǳا ǦǴǯ ǦǬƷ ǹأ ǳƢǸǟأ ƨǘǴǈǳا ǦǳاǷǴǠǳا ǽǂǜǻ تقرير ǳ ǦǳاǷǴǠǳا ǼǷǉ و

ǦǳǼǷ ǦǳǼǷ .ǦǳاǷǴǠǳا ǳƢǸǟأ ǦǳاǷǴǠǳا من ǦǳاǷǴǠǳا ǹأ ǦǳاǷǴǠǳا ǼǷǉ ǹاحǳ ǦǴǯ ǦǬƷ ǦǳاǷǴǠǳا

ǼǷǉ ǹأ ǦǳاǷǴǠǳا ǳƢǸǟأ ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا ƨǘǴǈǳا ǦǳاǷǴǠǳا ǳƢǸǟأ ǦǳاǷǴǠǳا ǹأ ǦǳاǷǴǠǳا

ǳƢǸǟأ ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا أو ǦǳاǷǴǠǳا وكل ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا مركǦǳاǷǴǠǳا ǦǳاǷǴǠǳا مقǦǳ

ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا ǳƢǸǟأ ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا يلǦǳ ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا

.172ǦǳاǷǴǠǳا وǦǳاǷǴǠǳا ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا

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[168] ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا Ǐ 98.

[169] ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا Ǐ 98.

[170] د. ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا مرǦǳ ǦǳاǷǴǠǳا Ǐ 167.

[171] د. ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا مرǦǳ ǦǳاǷǴǠǳا Ǐ 102.

[172] د. ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا ǦǳاǷǴǠǳا مرǦǳ ǦǳاǷǴǠǳا Ǐ 324.

[illegible] من [illegible] لكن [illegible] لديد [illegible]

[illegible] تر و [illegible] يق [illegible] لدود [illegible] وو [illegible] و[173] [illegible] ية [illegible] كل [illegible] لقا [illegible] ية [illegible] أو [illegible] من [illegible] ما [illegible] يتقد [illegible] عل كقرية [illegible] يدع [illegible] و. [174] [illegible] لقا [illegible] ية [illegible] أ [illegible] عن [illegible] عل [illegible] عن [illegible] أعل [illegible] دد عن [illegible] و [illegible].[175]

[illegible]

[illegible] معا [illegible]

من [illegible] ما [illegible] من [illegible] يتدد من [illegible] و [illegible] أ [illegible] لد [illegible] و [illegible] لديد [illegible] أ [illegible] من [illegible] و [illegible] ب [illegible] ير [illegible] يق [illegible] عل [illegible] و [illegible] أو [illegible] عل [illegible] و [illegible] ب [illegible] أ [illegible] عل [illegible] أو [illegible] و [illegible] لديد [illegible] وعد [illegible] ريد [illegible] و [illegible] عل [illegible] وي [illegible] أما [illegible] ية [illegible] – [illegible] و [illegible] من [illegible] و [illegible]

[173] [illegible] ص 210.

[174] د. [illegible] ص 225.

[175] د. [illegible] ص 103.

[illegible] عقر [illegible] رور – ومرء [illegible] ير [illegible] كرو [illegible]
[illegible] كما [illegible] كر [illegible] ر [illegible] دوة [illegible] ردية و [illegible]
و [illegible] عد و [illegible] امة [illegible] عل [illegible] رية [illegible]
و [illegible] تق [illegible] امة فكن دور [illegible] ردية [illegible]
[illegible] عتة و [illegible] كو [illegible] مقاد [illegible] قاد [illegible] من
[illegible] ككل من [illegible] ودد [illegible] رد وفكن [illegible] ر [illegible]
أو [illegible] و [illegible] و [illegible]
[illegible] كامة [illegible] أمرة [illegible] تلقا [illegible] من رد [illegible]
و [illegible] عل [illegible] اعة من [illegible] وتل [illegible] ا
[illegible] وقا [illegible] رعل [illegible] مقاد [illegible] و [illegible] قل [illegible] و [illegible]
تقر عل [illegible] ود [illegible] اير [illegible] و [illegible].[176]

و [illegible] كر [illegible] و [illegible] عل [illegible]
[illegible] عد [illegible] من [illegible] تقر [illegible] امة [illegible]
عل [illegible] رية [illegible] ادية أو [illegible] عل [illegible]
[illegible] كد [illegible] عد [illegible] "[177]
وعاعد: "دد [illegible] من وأ [illegible]"[178] وعاعد: "[illegible] يقد
[illegible]"[179] كل [illegible] عد [illegible] ترم [illegible] مقاد [illegible] ر [illegible] و [illegible]
[illegible] ود [illegible] ر [illegible] مرت [illegible] امة
[illegible] تقد [illegible] اية[180] وك [illegible] رية [illegible] أو [illegible] ر [illegible]
[illegible] عتد تقد [illegible] عد [illegible]
[illegible] ومرد [illegible] شر عل [illegible] قر [illegible] : (([illegible]
[illegible] ثاليا [illegible] امرأ [illegible] ما [illegible]))[181] [illegible] يقد [illegible]

[176] [illegible] : د. [illegible] مر [illegible] ص 325.

[177] [illegible] 19 [illegible] ص 36.

[178] [illegible] 30 [illegible] ص 41.

[179] [illegible] 46 [illegible] ص 52.

[180] د. [illegible] مر [illegible] ص 236.

[181] مر [illegible] من 33 [illegible].

ٲǀȂ:"...ﻙ ȜǾ3 من ǽǼȤ ǼȤǾǼǽ ǀȂ ȌȂȉ ǼȤȥ ȌǶǽ ȂǼǾǼǽǼ و ǽǼ ǀȂ ﻳﻜﻦ ǻǼ ǭǼǸ عن ǼȂǼ
ǼȜǼǸ ȉǾǼǽ ǼȋǼǾ ȆȂȜǼǽ ȊǼǼǸ ǶǼȆ ǼǼǻǼ أو ǼǼǼǻǼ مقدǿ ǼȖǼ ǼǼ من ǼȂǼ ǼǼǼǽ و Ǿ ﻳﻘﺎǼ
أǼ ǼǼȂ ǼǼǽ ﺗﻜﻠǼ ǼȂ Ǿ ǼǼǼ ǼǼǼ ǼǼǼ ǼǼ ǼȂǼ ǼǼǼǽ ǼǼǼ ǼǼ ǼǼǼ و Ǿ ǼǼǼ و Ǿ ǼǼǼ.
[182]"ǼǼǼǼ ǼǼǼǽ.

ǼǼ من ǼǼǼǼ ǼǼ ǼǼǼǻǼ ǼǼǼǼǼǼ أو ǼǼǼ ǼǼǼǼǼ ǼǼǼǼǼ ǼǼǼǼ ǼǼǼ ǼǼǼǼ
ǼǼ ǼǼ ǼǼǼǼǼ ǼǼǼǼǼ ǼǼ ǼǼǼ ومرǼǼ Ǽ ǼǼǼ ǼǼǼǼǼ وǼﻜﻦ ǼǼ ǼǼǼ Ǿ
ǼǼǼǼ ǼǼǼǼ عن ǼǼǼǼ ǼǼ ǼǼǼ ǼǼǼ ǼǼǼ ويǼيل شǼǼǼ ǼǼǼ مقرǼ ǼǼ Ǽ
ǼǼǼǼǼ ǼǼǼǼ وǼǼǼǼ. ǼǼ ǼǼǼǼ: "ǼǼǼǼ ǼǼǼǼ Ǽ Ǽ ǼǼ ǼǼǼ عاǼ[183] و Ǽ ǼǼǼǼ
Ǽ ǼǼǼ ǼǼǼ ǼǼ ǼǼǼ وأ Ǽ أشرǼ ǼǼǼǼ ǼǼǼǼ ǼǼǼǼ ǼǼǼ ǼǼǼ ǼǼǼ ǼǼ ǼǼǼǼ
ǼǼǼǼ ǼǼǼ Ǽ Ǽ Ǿ ǼǼ ǼǼǼǼ ǼǼǼǼ ǼǼǼ ǼǼǼ مǼǼ علǼ ǼǼǼ ǼǼǼ ǼǼǼ ǼǼǼǼ علǼ
ǼǼǼ ǼǼǼǼ ǼǼǼǼ ǼǼǼǼ ǼǼǼ ǼǼǼǼ ǼǼ ﻛǼروǼ.

ومǼ ǼǼ ǼǼǼǼǼ ǼǼǼ ǼǼǼǼ كل ǼǼǼ ǼǼǼǼ ǼǼǼǼ ǼǼǼǼ ǼǼǼǼ: "ومǼ ǼǼǼ
ǼǼǼǼ وǼرياǼ ǼǼ ǼǼǼǼ ǼǼǼǼ ǼǼ ǼǼ علǼ ǼǼǼǼǼǼ وǼǼǼǼ ǼǼǼ ﺗﻜﺎǼ ǼǼ ǼǼǼ
ǼǼǼǼ وǼرياǼ ǼǼǼǼ ǼǼ ǼǼǼ Ǽ ǼǼǼ مǼǼǼ ǼǼǼǼ وأ Ǿ ﻳﻜǼ Ǽ ǼǼ ǼǼǼ ǼǼǼǼ
وǼǼ ǼǼǼ أǼ ǼǼǼ ǼǼǼ ǼǼ ǼǼǼ ǼǼǼǼ ǼǼǼ Ǿ ǼǼǼ و Ǿ ǼǼǼ Ǽ ǼǼǼ. ǼǼ Ǿ
ǼǼ ǼǼǼ ǼǼǼǼ ǼǼǼ و Ǿ ǼǼǼ ǼǼǼ ﻛǼ أǼ Ǽ ǼǼ ǼǼǼǼ ǼǼ ǼǼ مǼ ǼǼǼǼ ǼǼǼǼ Ǽ ǼǼ
ǼǼǼǼ أوǼ ǼǼǼǼǼ[184]".

وǼǼ ǼǼǼ ǼǼǼ ǼǼǼǼ ǼǼ ǼǼǼǼ ǼǼǼǼ Ǽ ǼǼ أǼ ǼǼǼǼ ǼǼǼǼǼ ǼǼǼǼ مǼǼǼǼ من
ǼǼǼǼǼ ǼǼǼǼǼ مǼǼ ǼǼ ǼǼǼ ǼǼǼ ǼǼǼ ǼǼǼǼ ﻛǼ ǼǼ: "وǼǼǼǼ ǼǼǼǼǼ مǼǼǼ
ǼǼǼ ǼǼǼ ǼǼǼ ǼǼ ǼǼǼ ǼǼǼǼ وأǼǼ ǼǼǼ ǼǼǼ ǼǼǼ وǼǼǼ ǼǼǼǼ ǼǼǼǼǼ
ǼǼǼǼ ǼǼǼ[185]".

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[182] ǼǼǼǼ ǼǼǼǼǼ Ǽ2Ǽ Ǽ 349.
[183] ǼǼǼǽ 25Ǽ ǼǼ ǼǼǼ Ǽ1Ǽ Ǽ 40.
[184] د. ǼǼǼ ǼǼǼǼǼ ǼǼǼǼ ǼǼǼǼǼ ǼǼǼ ǼǼǼǼ Ǽ3Ǽ 1985Ǽ Ǽ 152-153.
[185] د. ǼǼǼ ǼǼǼǼ ǼǼ ǼǼǼǼ مرǼǼǼ Ǽ Ǽ 755.

3ثالرا ÆĿlÛţl
النآرلة Ž الšانزن اΣدوQ

ǿقد كاɼ لمǻ̌ǾǾǾ Ǩ8ǿǾǾ ƁǾǾǾ أǴدǾǾǾ ǥǾǾǾ ǾǾǾǾǾ علǽ مȦǾǾ ǿΣǾ ǾȦǾǾ وتÛǻǾيرǾ ǿǾǾ Ž
ǿǾȦǾǾ أو ǾǾǾǾǾ ǿǾǾ وƟشǾǾ ǾǾǾدǾǾ وǾǾǾǾ ǾǾǾǾǾ ǾكرǾ ĘΣǾ ǾǾǾǾǾ وǿروǾ كرǾ ĘΣǾ ǾǾǾǾ ǾǾǾǾǾ
يǾǾǾǾ ÆǾ تقǾǾدǾ كاɼ ǾǾǾ Ǩ8ǿǾǾ أǾǾǾ علǽ ǾǾربة ǾǾǾǾǾ Ž ǾǾǾǾǾǾ ǾǾǾǾ ĘΣǾ وǾǾǾ تǾǾ ǾǾǾǾ
ومǾǾǾǾ ǾروǾǾǾ ǾǾǾΣǾ ǾǾǾ ǾǾǾ ǾǾǾ ǾǾǾ ǾǾǾǾǾǾ ǾΣدǾǾ من ǾǾǾ وǾد ما ǾǾǾ من
ǾǾǾ ǾǾǾǾ ǾǾǾǾ ǾǾǾ ǾǾǾǾǾ ǾǾǾǾǾ ǾǾǾǾǾ علǽ ǾǾǾ ǾǾǾ ǾǾǾ ǾǾǾǾǾ من ǾǾǾ
ǾعتǾدǾ ǾǾǾǾǾ ǾǾǾǾǾ أو ǾǾǾǾ ǾǾǾǾǾ ǾǾǾǾǾ ومن ǾǾǾǾǾ:

- **أوǾǾ: النآرلة Ž الšانزن اǾǾǾǾ:**

ǾǾǾǾǾ ǾǾǾ 1896 ǾǾǾǾ علǽ ǾǾǾǾǾ Ž ǾǾǾǾ ǾǾǾǾǾ دوǴ ǾعتǾدǾ ǾǾǾǾ ǾǾǾǾǾǾ
ǾǾǾǾǾ ǾǾǾǾǾ ǾǾǾ ǾǾǾ ǾǾǾ 226 من علǽ أǾ: «ǾǾǾǾ ǾǾǾǾǾ ĘΣǾ ǾǾǾ يكن ǾǾ من
.ǾǾǾ ǾǾǾ ǾǾǾǾ ǾǾǾǾ»[186]

- **ǿانيا: النآرلة Ž الšانزن السǾǾسري:**

ǾǾǾǾǾ ǾǾǾ 1907 ǾǾǾ ǾǾǾǾǾǾ ǾǾǾǾ ǾǾǾ ǾǾǾǾǾ كاɼ أكǾر ǾǾǾǾ من ǾǾǾ
ǾǾǾǾǾ ǾǾǾǾ ǾعتǾدǾ ǾǾǾ ǾǾǾ ǾǾǾǾǾ ǾǾǾǾ مǾ علǽ أǾ: «ǾǾ علǽ كل شǾǾǾ أɼ يǾǾǾǾ
ǾǾǾǾǾ يقǾǾ وأɼ ǾǾǾǾ ǾǾǾǾǾǾ ǾǾماتǾ ǾǾǾǾ ǾقǾǾعد ǾǾǾ يرǾǾ ǾǾǾǾ ǾǾǾǾ أما ǾǾǾǾǾ ǾǾǾǾǾ Ž
ǾǾǾǾǾ ǾǾǾǾǾǾ ǾǾǾ ǾǾ يقرǾ ǾǾǾǾǾǾ»[187] ǾǾǾ ǾǾǾ Ǿ يقǾǾǾ ǾǾǾǾǾ علǽ ǾǾǾǾ ǾǾǾ وǾǾǾ ǾǾǾǾǾǾ
.ǾǾǾǾǾǾ[188] ǾǾǾ ǾǾǾǾǾ ǾǾǾ ǾǾǾ ǾǾǾ عن ǾǾǾǾ ǾǾǾǾǾǾ ǾǾǾǾ كل ǾǾ يǾǾǾ ǾǾǾǾǾ

- **ǿالǾǾ: النآرلة Ž الšانزن اǾǾǾ اللبناǾǾ:**

ǾǾǾ 124 من ǾǾǾǾ ǾǾǾǾǾ ǾǾǾǾǾ وǾǾǾǾǾ ƁǾǾǾ ǾǾ من و ǾǾ ǾǾǾǾ ǾǾǾǾǾ ǾǾǾǾǾ
علǽ أǾ: «ǾǾǾيǾ أǾǾǾ ǾǾǾǾǾǾ من يǾǾ ǾǾǾǾ ǾǾǾǾǾ – ǾǾǾǾ ǾǾǾǾǾ ǾǾǾ – دوǴ ǾǾǾ ǾǾǾǾ

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[186] أǾǾǾ Ž ǾǾǾǾǾ ǾǾǾ ǾǾǾ: د. ǾǾǾǾǾǾǾ ǾǾǾǾǾ Ž شǾǾǾ ǾǾǾǾǾǾ ǾǾǾǾ ǾǾǾǾǾǾ ǾǾǾǾǾǾǾ ǾǾ ǾǾǾǾǾǾ ǾǾǾǾǾǾǾǾ Ǿ1ǿ
Ǿ 839 ǾǾǾ Ǿ .3

[187] ǾǾǾǾ ǾǾǾǾ علǽ ǾǾǾ ǾǾǾǾǾ.

[188] د. ǾǾǾǾǾǾ ǾǾǾ مرǾǾǾ ǾǾǾǾ Ǿ 107.

أو ôرȣöä ƁØöä من أǵǄDZ [189]«ĘΣä ℨȓ و ًلﯿ ŞǵƳ من ٍóƳǹ ąØŁ ǾǺöä ĺǹØȻ ǸȻæ Ƴǿ ąƫƚƬǿين

ǾźØöä وąƫȓ ȥȓƷƬ ǾĺÅǾöä متƓǼÊǂ Ǵǃ ما ąǼǽǂǼČȚ ǵǽȚǿǀǽǾ وĉÔǽ ąƥȓȤą ǾǾȖǿ ȻȜȣæ وąØŁ

ƷǯƯ ǺٍȎǾ وĆ لياً أ ǾǼǼǾΣĘ ǀشر ţ أǵǄDZ من ƁØöä ôرȣöä ǸĲƷ ôرȣǿ ǵǼǼǂǽǾǂǼäåæƯ أو ƟÔǺ شǺ Ǿǂǽǂهǿم

ąØŁ ôرȣöä ǾǽǼŞĉâǼ ǾǾ أو ǾǾǾǽǼǽǼǾǾ أو ǼǾǾ ǾǾ أو ǾǾǼǼǽǼ ǾǼ وąØŁ ǾǽǼǼ ǾǽǼǂهǿم ǽǾ ǾȓƷƬǿ.

ويǼǾǽ من ٍóƳǹ ąØŁ أǼ ǾǾǾǾǽǾǾǾ ƆǼǾǽǾǾ دǽ وȓȜ Ƀدأ اهلقا ǼǽǾǽǾǽǾǾǾ ǸÊǂ وǽǾ ǼǂǿƯƳر عن

ɑǽǾǾ مروǽǾǽ أ ǾǾǾǽǾǽǾǾ ąØŁ ǿǂǽǂƶ وǾǾǾǾǽǽǾǾǽǾǽǾ ǸÊǂǽǾǾǾ عǽǽ ǾǾǽǾǽ ǸÊǂǽǾǾǾ ǽǾǾǾǽǾ ǾǾǾǾǾǾǾǾ ǾǾǾǾǾǾ

يتǾǾǾǾǾǽ ǾǽǾǽǾǾǽǾǾ ǾǾǾǾǽǾǽǾǾǽǾǾǽǾǽǾ ǾǾǾǾǾǽǾǾ عǽǽ ǸÊǂǽǾǾǾ ǸǾǽǾǽǾǽǾǾǽǾǽǾ ǽǾǽǾǾ

ǾǾǽǾǽ من ٍóƳǹ ǾǾǾǾǾǾǾǽ ǾǾǾǾǾǽǽǾ أو ǾǾǾǾǽǽǾǾǽǾ عن ôرȣöä أو ǾǾǾǾǽǾǽǽǾ شر ţ من أǵǄDZ.

- ǾǾǾǾǾ: الǾǾǾǾǾ Ž اǾǾǾǾǾǾ ǾǾǾǾ ǾǾǾǾǾ:

Ž ǾǾǾǾǾǾǽǾǾǾǾǾǾǾǾǾǾǾǾǽǾ ǸÊǂǽǾǾǾ ǽǾǾǾǽǾǾǾǾǽǽǽǾǾǽǽǾǾǾǾǾ ǾǾǾǾǾǾǾǽǾ ǾǾǾǾǾǾǾǾǾǾǾ

شكل ǾǾǾ متǾǾǾǾ ǾǾǾǾǾǾǾ دور أ ǾǾǾ

ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ من 5 ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ: «ويǾǾǾ

ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ:

- ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ.
- ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ ما ǾǾǾǾǾǾǾǾ من ǾǾǾǾǾǾǾǾǾǾǾ.
- ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ ǾǾǾǾǾǾ»[190].

ǾǾǾǾǾǾǾǾǾǾǾ وǾǾǾ Ž ǾǾǾǾ 807 من ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ

ǾǾǾǾǾǾǾǾǾǾǾǾ وǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ[191]

- ǾǾǾǾǾ: الǾǾǾǾǾ Ž اǾǾǾǾǾǾ ǾǾǾǾ ǾǾǾǾǾ:

ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ Ž ǾǾǾǾǾǾǾǾǾǾǾǾǾǾ عǾǾ وǾǾ ما ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ

ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ Ž ǾǾǾǾǾǾǾǾǾ وǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ عǾǾ

[189] ǾǾǾǾǾǾ 109 .ǾǾǾǾ: د. ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ Ž ǾǾǾǾǾǾǾǾǾǾǾǾǾǾ ǾǾǾǾǾǾ 1983 ǾǾǾ 54.

[190] د. ǾǾǾǾǾǾǾǾǾ Ž ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ 318.

[191] د. ǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾǾ 772.

ƟƐźȑźƫǉ ينǾǚǇƸƫǉ ƳƧ ǲƪ Ǐǐ [192]ǄǭƳǒ ǙǊźȑ ƟǤƳèqǉ ǿǫǀǉ من ȺƫǐèǊو ƘǛǉǍ ǾǉȑqǊ ǄǚǱ

Ž ǚǀÊƸǐ ĘΣǉ ǒƪƸǐèǉ ƎǐƸǐ» :ƟǤƳ ماٮٮ عل Ɔǚƫǉ ȷźǜǉǉ من 41 ǥǋƫǉ ǑǍǐ ǬǚǴ ǛɃǋƫǉو

:ǄǚǛǉǍǉ ǑǉźǴƸǉ

- ǉǋǛ ƎȩǉǛȺ وǓǋ ǾǉȑqǊ ǍǛǉǍƘ.

- ǉǋǛ ƘǋƟ يرمٮ ƁǛ ǏźǑΣǉ عل ǥƥǋǳ ǄǚǚǑ ǄǤÊǚǉǍ ƁǛ ǾȑǍ ǾȒǉȑ ǙǉǛǚǉǍ ƘǉǍ.

- ǉǋǛ ƘǋȷǛ ǾǋǍ ǿǚ ǏźǑΣǉ عل ǥƥǋǳ Ƙǳ ǐروعة » .

Ɔǚƫǉ ǿǜźǜǋǐ من 5 ǥǋƫǉ Ž ɃǑƫǉ ƫǐǐƫǉ ǵǋǾأو ǉƫ ǄƟǋǛǉ ǉǑ ǥǋǾǉźǉǉ ƘǋƸƫǉ Ž ǥǋ مادو ƟǤو

.ǄǜǉǋÊǉ ǄǋǛǾǉǉ كر.

أو ƟǑÅǐǉǉ ǾǚǇƸƫǉ ǛينǾǚǇƸƫǉ ƳƧ ɃǉǉȂɀǉ ƫǐǐƫǉ ǾǐǏ ǥǋƫǉ ǿǾƪ ǑǜǤ ǋźǛǚǋ من ǍǐȷǐǐǛǚ و

ǄǚǜǋǍǉ ȷǉقرتاǉǉ ǿǚƪȒǐ ما ǉǾƪو ƟƐźȑźƫǉ ǾǚǇƸƫǉو ǛƂوȼǉ ǥقرǉǉ ǿǚƪȒǐ ƪǚź ǕǋǛو źǉǾǉǉ

.ǄǚǚǚǋǉوǚǛ.

- ǾǚǉƫǑǉ ǐǐÅƟصة : ȒǉǞǉ صةǾ ǉǋǛǉȑǉ ǄǉǛǉǍ

ƘǋǛǉ ǾǉȒǉǉ ǋǉΣǛ ǋǑǓ ȒǉǞǉ ǉǛǉź ƵÊƸǉǉ ية ǐȷǋǛ ǚǋǉǛ Ž ƘǋǛǉǍ ǾǉȑqǊ ǄǚǚǛǉ ǋعتدqǊ Ƀǐ

ومن ǛǋźǑǛ ǛقمƘǳ ĘǛǐǉǛ ǥǋǳƥ أو ǄǉǉǑǉ ǶƸǉǉǉ عل ǼترǛ ǊǉǊ ǴǴ ǉǀÊƸمٮ ĘΣǉ ǼǴǉǑ عد

ȷ أ Ƕǂǉ ȷǳ شاو أو ȷǋǉǉǋÊƫǉ ǨǛǉǐ ǉǛǉǍ ǥǋǉƸǉèqǉ ĘǴ ǕǋǉǉǉǍ Ȑȶ ǵ ȷ أ ƟȑǉǉǉǉǊ عل ǼƶǊ ǿǚǛǵ ǉǾƪ

ǋǛȩǉ أو ǛǉƪǑ ǾǉȑqǊ ǄǚǛǉ ونكن ǐروعة ǉǋǛǾ ǄǛǉ تلǉǾǐǉ من ǂ ǥǋǉƸǉèqǉ ĘǴ ǼǉǉǛǐ ǕǋǉƫǊ

.Ɔǚƫǉ ȷźǜǉǉǉ من 534 ǥǋƫǉ Ž ǑǉǾ كƪ ȷźǜǉǉǉ من ǾǉǴǳأ ǑǉƪǐǉǊو ب رǋǐǉǉ

أو Û [193] ƵȩǉƫǊ ǉǾƪ ǶǚǛ Ž ǋǐƸƫǉ ǶǾǐǉǉ ǕǉÊǐ ǵƪ و ƟƐźȑź ǾǚǇƞ ȷǉƸǐÊǛ ǿǚǐ Ƙǳ

.[194]ǾǉȑqǊ ǄǚǱ عل 8ǉƸǐǉǉ Ž ǉǾǉǾǉ ǄǉǴ ƶǉ كل ǧǉÊǉƳ ومǄǚǾǉǉǉǉ منقرǉǉǉ ǄǜǉƸǐèqǉ

- ǾǚǉƫǑǉ ƟƷźȑźƫǉ:

ĘǉǉǛ ɃǾǉǉ ƘǛǉǉǉ ǾǉȒǉǉ ƷǐǾǴǴǉǑǐ ĘΣǉ من ǥǋźǑǉƫǉ ǐروعةǉǉ ǄǉǉǉǉǊ ƘǊ ǼèǉǋǉǊ ȳ عد .1

8ǑǐǉǉǊ عن ǄǉǉǉǉǊ ǛǑǐǉǊ ƘǊ Ǆǜǉǉǉǉƫǉ ǉǋǉǍ عل ǾǚǇƸƫǉ ǉǾƪ ȳź ويقǑǉǉǉ ǾǉȩǉǾ من ƘǛǉǍ

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[192] د. ƫǉȺ ǬǉǉÊǛ مر ȹǉǾ Ǐèǉ ǚǉǉ ǐ 321.

[193] د. ǛǉÊǉǉǉǉ ǛɃǾǉǉǉ ǉèǉǉǉ Ž شرح ȷǉǜǉǉǉǉ ǛƆǚƫǉ مر ȹǉǾ Ǐèǉ ǚǉǉ 1ǉ ǐ 844ǉ قرǉǉǉ560.

[194] د. ǉǚǉǉǉ ǛǉƸǉǉ ǾǉǉǉǾ ومǾǉكرǉǉǛ Ž ȷǉǜǉǉǉǉ وǉǚǉǉǉ ǛƟǤƳèqǉ ǛɃǉǉȂɀǉ ديǉǉ ȷǉƫǛǉǉǋǉǉ ǧǉǉǋǉǉǉ 1996ǉ ǛȷǉǉǛ 1ǉ

ǐ 26.

[illegible] كان [illegible] من [illegible] و[illegible]

[illegible] أجل من [illegible] كان [illegible]

دور [illegible] كان [illegible]

عند [illegible] وكل [illegible][195] [illegible]

[illegible].

ومن [illegible] ما وقد [illegible] 788 [illegible] على «[illegible] كان ماذا [illegible] وكذ

يقل [illegible] على [illegible] من [illegible]

[illegible] عن ملكة [illegible] على [illegible]

مقابل [illegible] عادة».

وما [illegible] على [illegible] 708 من [illegible] من أجل: «[illegible]

[illegible] دور [illegible] كان [illegible] ملكة [illegible]».

2. عدد [illegible] من [illegible] على [illegible]: [illegible] من

[illegible] شرعة [illegible] ما [illegible] عن [illegible]

[illegible] روعة من [illegible]

و[illegible] وعد تكذ [illegible] روعة [illegible] مشاس [illegible]

[illegible] عامل [illegible] من [illegible] أو [illegible]

[illegible] لكن [illegible] يادة

[illegible].[196]

3. [illegible] و[illegible]

[illegible] يرد [illegible] 41 [illegible] وقد [illegible] 1/691 من [illegible]

[illegible] على [illegible] على: «[illegible]

[illegible] يرد [illegible] على [illegible]

[illegible] على [illegible] يراد [illegible]

[illegible] ومكل [illegible] رين و[illegible]

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[195] د. [illegible] 845 [illegible] 561.

[196] د. [illegible] يد [illegible] رية [illegible] 1998 [illegible] 154.

كار [illegible] – [illegible] – [illegible]

[illegible] من [illegible] كار [illegible]

[illegible] مردية [illegible] من [illegible]

[illegible] عن [illegible] من [illegible]

مر [illegible] من [illegible]

[illegible].

[illegible] ما [illegible] 41 من [illegible] على [illegible]

[illegible] على [illegible] ما [illegible]

[illegible]

[illegible]

[illegible] ما [illegible] على [illegible]

[illegible]

مرة [illegible]

[illegible] عامة [illegible].

[illegible]

[illegible][197]

[illegible] أمر [illegible] شرعًا [illegible]

[illegible] من [illegible] شرع [illegible] عن [illegible]

[illegible] مركز [illegible] على [illegible]

[illegible] كار أو [illegible]

أو [illegible]

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[197] [illegible] 288 [illegible] 213 [illegible] 215.

[illegible] عن عمل أثناء [illegible] يقترن [illegible] [198] وعلى

[illegible] قاعدة [illegible] تتحدد [illegible] قاعدة [illegible] ترتبط [illegible] على [illegible] كان

[illegible] قاعدة [illegible] قاعدة يقابلها [illegible] – أو [illegible] تحدد [illegible] كان

[illegible] تكرار [illegible] قاعدة [illegible] كان [illegible] شروط [illegible] أو – [illegible] تقدير [illegible] ترتبط [illegible]

[illegible] ومن [illegible] مدى [illegible] تتحدد [illegible] وتكرار [illegible] أداة

[illegible] عن [illegible] وكل [199] [illegible]

[illegible] شروط.

- [illegible] العيد : [illegible] كما [illegible] أو [illegible]

[illegible] على [illegible] مثل [illegible] يترتب على [illegible] و[illegible]

[illegible] أو يكون [illegible] من أمر [illegible] يترتب على [illegible]

على [illegible] [illegible] تكرر على [illegible] كما

[illegible].

أما [illegible] من قبل [illegible] ما أمكن [illegible]

[illegible] أما [illegible] شرط [illegible]

[illegible] قاعدة [illegible] وعد [illegible] ويتبدل

[illegible] شد [illegible] على [illegible] عادة [illegible]

[illegible] عدد [illegible] [illegible] عقد [illegible]

[illegible].

- ثانيا : [illegible] مادية [illegible] كل [illegible]

[illegible] أو ما [illegible] على تترتب [illegible] كان [illegible] ما [illegible]

أو [illegible] ما [200] [illegible] يكون [illegible] عن [illegible]

[illegible] تقع على [illegible] كان [illegible]

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198 [illegible] عن [illegible]
.15 ص 1983

199 [illegible] على [illegible].

200 د. [illegible] .70 ص

[illegible] أو [illegible] عن [illegible] و [illegible] و [illegible]
[illegible] ويت [illegible] ما [illegible] على من [illegible][201].

أما [illegible] و [illegible] أو [illegible]
[illegible] كرامة أو شا [illegible] أو مـ التقد [illegible][202] [illegible] و [illegible] و [illegible]
[illegible] و تقد [illegible] شرعا أ [illegible] و [illegible] مر
[illegible] تقدير [illegible] يرة [illegible].

- **[illegible]:** أو [illegible] و [illegible] على [illegible]
[illegible] و [illegible] مر [illegible] ما يرة [illegible] التقديرية [illegible] ير [illegible]
على [illegible] – [illegible] أو [illegible] – [illegible] و [illegible][203] [illegible] عقوبة [illegible] مقدر
[illegible].

- **[illegible]:** و [illegible] و [illegible]
[illegible] كان [illegible] و [illegible]
[illegible] من [illegible] ! [illegible] و [illegible] شرعا [illegible] و [illegible] ما [illegible]
[illegible] و [illegible] شرعا [illegible] أو [illegible] و [illegible]
[illegible] على ترتكـ [illegible] على عقد [illegible] و [illegible] ة [illegible]
[illegible] عد [illegible]
[illegible] ومد [illegible][204].

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[201] على [illegible] مر [illegible] .15
[202] د. [illegible] مر [illegible] .72
[203] د. و [illegible] 1991
.103 [illegible]
[204] د. [illegible] مر [illegible] 291 [illegible] 291.



ǬǁǃǍ الثǚǁ Ǭصـ الفـ

ǧlǬيǤǛǨ النǂǡǁة Ž ǖǵǾlم الǾǬȼ qlسƔهƢ

:ǬǵlǤم ةǍǽǾأ ȼǂǛو

- ǬǂǤlǗ ǖǥǞ: العدǖ ǗǕ lǌǛǤة
- ǬǂǤlǗ الثǁǍ: اسǟماǖ ǕǢ ǔǦǁǾǂǨ الǮǛǦة
- ǬǂǤlǗ الثǁǬ: الǟسǚ Ž الǛƔǜ
- ǬǂǤlǗ الراǞǽ: الǟسǚ Ž الǚǛǥية

ǬJlǯJl ǑالفصـĹ
ƍlǑȖǛǨ مǼǵǙ Ž ةالنǘȚرا ǭǾ ĳسرǵ

ȒǼ ǴĿŠ ǵǼǊ ǫĔ ǕǌŹžǉ ŽǕǞƤŭǘ ǁŽ ÆŞĚǓ ǬǺ ÀǸǧĀŸ ǼƘǨǡǌ ĿƀǞǭ ǕǬǺ ǰǫ ǻǼĚĿǞ Ǟ ǥǌǗ ǽǚ ǩǰ ǵǹǘŰŽŽǞ ǔǕǢǌǵǾǮ ǺǩǁǦǼ ǴĿŠ ǯƙǞ ǩǯǥǴ
من ǥǯǜǼǸ Ǟǹ شرţ من ǽǪǯǙǭǞǦƀ ǵǞƧǀ ǕŹǍ ŚǓƞǞ ǥǵƉǡ Ǟǹ ǵǞǞǦǐŸǚ ǪǴǭǶ ǰǫ ǕǬǛǞǥǹ ǵǞǬǸǺƙ ǯǮ ǬǸ ǰǭ ǓǘǬ ǕǬǛǞǥǹ ǁǫǝǷ ǓǫǙǢǘǻ ƙŸǮ ǵǞǞǦǐ ǺǬǝǫǵǘ ǵǥǯǥǞǺ ǹǯ ǻǯ ǵǪǛǞǝǬ ǯǰ ǵǶǟǭ ǥǵǟǬǷ ǵǡǬǯǔ ǼǵǢǖǫǡ ǭǞŦǙǩǡ ǥǵ ǫǞǭ ǧǮǧ ǞǬǤǖǖ ǪǕǬǭǥǙǝ ǓǬǳǞ ǧǵǞǡǣǪ ǵǫǬǸǯǵǾ ǵǞǞǦǐǺǕǚ ǵǞŠǹ ǹǞǭǪǬ ǓŹǬ ǞǯǢǦǬǫǠǔǞǻ ǵǞǜǪǪ ǚǶǮ ǚǭǨ ǽǪǮǷǯǞǴǭǢ ǼǵǪǢǣǪǦǬǽǙǶ ǴǭǞǵǯǭǞ ǕǤǞǚ ǬǭǜǮǯǬǰǵǬǡǰǝ ǓǯǥǞ ǻǭǨǭ ǞǣǯǱǛǞǮǬǰǵǞǬǹ ǭǮǷǺǠǯǴǦǨǡǵǨ ǪǴǡǭǪǡǮǽ ǵǬǞǦǴǛ ǫǢǬǦǰǟǜǬǻ ǰǔǪǥǗǪǨǞǖǪǞǰǡǪǵǷǭǵǽǹǬǰǵǜǷ ǹǸǛǼ ǯǳǹǪ ǢǫǟǥǹǴǚǰǞǢǬǳǵ ǯǰ ǳǵǥǰǲǷǝǞǺǹ ǜǯǞǷǫǵǰǢ ǦǨǟǻǨ ǲǯ ǪǝǭǪǢǳ ǲǥǸǕ ǥǛǗǪ ǰǷǮǼǴǦǪǽǛǻǪǬǡǴǮǤǢǦǢǯǠ ǦǩǷ .ƘǹǬǞ ǮǶǝǤ ǞǷǮ Ž ǦǳǽǭǨǚǵǬǠ ǵǸǞǬ ǼǯǸǹǙǰ ǵǷǴǳǝǾǕǩǢǬǾǤǡǯǛ ǝǬǰ.

ǵǧǮǪ ǬǨǜǰǮ
ǜǦǮǳǯ ǸǪ ǓǡǷǠ
ǵǧǮǪ ǓǵǯǬ
ǹǤǰǪ ǨǞ ǮǡǵǦǠǬǵ ǯǭǯǹǡǪǶǝ ǰǤǞǬǵǚ ǡǮǯ

- ǬǷǚ : ǼǩǧǙ :ǭǢǯǙǪ ǚǯǬ ǕǡǲǠǧ ǥǳǚǢ ǚǪǵ ǸǵǲǬǳǫ ǞǹǯǬ. ǳǡǞǧ: ǥǷǵǞ ǵǵǤ ǞǡǸ ǯǢ.
ǯǦǪ ǩǞǣǯǮ ǣǧǙǷ[1].

ǞǚǾǭǪ: ǯǬǳǚ ǡǭǴǙ ǵǧǪǲǵ ǝǚǪǵ ǤǧǞǲǚ ǬǯǳǵǤǡǨǛ ǮǯǙǫǢǪǳǞǬǦǵǨǷǡǭǪǯǼ. ǳǚǵǦ ǡǵǝǯǳǞ ǴǰǳǦǭǩǥǦǵǨǬ ǪǯǜǤǠǯǘ ǭǡǵǡǢǫ ǲǯǛǵǪǞǥǪǵǚǳǪ Ž

ȁǾȽ ȼǂǱȤȶ ȺǼȞ ǥǚمرأة من ǯȁوȂȍȁ ȃȽȶȍȁ ȾȽ. أو ǅ[2]ǱǍǻ أو ǢǤǚȍ أو ǢȩȨ من ȼǮȞǤ يȺȐ

ȁǻȜȶ ȺǤǪȍȁ ǿǚǷşǓȶ ȺǦȁȍ ǢȽȖȍȁ أو ȃȽȶȍǫȁ ȁǾȽ كار ǒȁȥȅ وȖǚǷǂȍ Ƃǝ أو ǚǷǂȍǜ ȃȽȶȍǫȁ

ȗǚȀȍǻ من ȼȽȞȶȆ ǚȵ ȒȲȞȶȍ ȧȜȶ أو " ǬǱوȂǻ أ ȷيد أǿ Ɔǝ " ǚǷǦȖƩ ǜȶ ȍȥ ȷ كǝȶ يقǝ ǥǚȶاشرو

يǚǷȂ ǙǚǷȐ ȩȍǝǚǷ ȁǤȖȸȁ ǚǷȍȟ من عر ȺǦȖȸȁ ǙȘȸȼǚǷȍ.[3]

- ǫانيا: ǙȐǦ ȸȸȖȁ ǚǷǙǚȐȪ: ȁȸȖȁ ȼȶǤȞȶȆ[4] ǜǤȨȶ ǯȁوȂȍȁ ȁȶǚǷǫ وȍȤȶ ȺȂȥȍ ȍقدȞȍȁ ǯȁوȂȍȁ Ȗ وȽȾ

ǫȁȍ ȸروعة ǙȍȵȶȂȍȁ وȁȶكتاب.

ǚǒȶǮȍǙȶǚȸȘ ǿǦȽȁ وȶǮ ȼȸȿ ȸȖȸȁ ǿǚǷǙǙȍȍǝǚǷ ǙǛǚǷ ǰȥ ǙȵȍȲ : [ǚǷȞǾ ȶȍǱȶǩ ȳȞȶǥ : [ƂǝȞ ȼǂȥȨ ȷ وǝȶقرȍȁ ǜȽȶǤ

ǙȐȖ [ووǝǤ[5] ȼǱȶǫȁ ȎǤȸȁعȍȨȅ ȷ أǿ ȍȁ وǣǂȁ ! ȁ ǚǷǶȽǤȁ ȸȖȸȁ ǥȍȶǚǷǝȶȜدȶǥ من وǥǚǷǤ ǚǷǝȞȲȍ ǚǷǣǚȍ ȼǂǚȁوعلȽ

ǚǷȶ ȷ ȺǤȁǚǶ ǚǷȍǥȳ من ǙȍȨȳ ȷǚǷȺ ǥǱȍǚȃȶ من ȍȶǙȍ أو ǟǝ.[6]

ǚǷȞ ǙǚǷǫ ǿȍȶǚ Ƃ ǚǷȍȶǥ ǿȍȶȁ ȷǿ ǢȖȸȍ ǒȁ ǿǱ ǚǷ ǙȽ ǶǞ ! ȁ ǚǒǪȽǤ ȊȍȖȸȁ ǚǷǒȽȶȁ و ǙȽȅ : ((…و ǥ ǢȖǚǷ Ǳȍȶ ǕȲȸ ǚǷǦȖȸȁ ǝǜǂȁȂȶ ǙǚǷǫ ǚǷǶǙو

((ǢǤǚǷȸȸȁ ȶǤ ǚǷ ǥǝȖȶ ȼȍȍȁǚǷ ȶȁ ȼǂȶȸȁ ǢǤǚǷȸȸȁ))[7] وȽȁȁ يدǟ علǓ ȸȁروعǓȁ ȸȁȸȁ ǚǷȍǥǢȖȸȁ ȼǂǚ وأǥȶ عȍ ȊȶȆ

ǢȖȶǝ ǒ ǅǚǷȍȁ ȷǻ ǾǚǷǫȁ ǧدǾ وȨد . ȺǦȖȸȁ Ž ȼȳǥ ǫǤȍǤȁ ǢǱو مرأǥȁ ǚǷǝȖȶ Ƃǝ ǂȲǥ ǙǚǷǂǤȁ

ȁȥȅǾǚǷ ǚǷǝȍȜȍȁ ȷ أǻ ǨǤǚǷ ȍȁǥǶȍǤȁ ǚǷǒȍȁ ǚǷǚǷ ǿȍǤǝȍȁ Ȗ و. ǚǷȍȸȁ ȁ ! Ȗ ȍȁ ȍȍǶȁ ǚȍȍȁ ȨǝيرǱو ǙȍȁȂȅ كǝȍ ȼȳȍǱوȁ ȒȞȶ

ȁȥǤȖȶ من ȒȞǤȍ ǿȍȨ Ǫȍ Ȗ[8]ȍȽ يكرȺ ǳ و ȍȽȶ وأǤǾ ǙǚǷȅ و ȼǚǷȍ ! ȁ ȾȍǿȂǝ ! ȁ ǿȥȅǾ ȳǚǷȳ Ž ȺǦȖȸȁ

كاǥǩǷ ǙȶȍǶȁ : ((ǝǚȶǚǷ ǙǒǝǨǚǷ ǚǷȶǙȶǥ ǚǷǥȖȶ ǝȶ ȍǾǚǷȸǚǷ ǙǚǷǚ))[9].

- ǫالǚǷ: Ǚǒȳȶȍȶ ǙȸȸȶȖȸȁ: ككل عقد من ȍȳȞȍȁ ǙȍǚǷȍȁ ȺȍǚǷǤȁ ǿȍǾȁ وǜȍǤ ȼǽǂȍȆ ȼȍȶǚǷȁ Ȗ ȼǒȶȆȍ

ǨȤȁȤǥȍ ȍقدȞȍȁ ǫȁǥȍǝ Ž ȶȍǚǷȁ ǠȶǢȁ ǚǷǤȶǾ مدǟ ȍǥينȨȸȞȍȁ كل من ǳǜǂȍǝ ǧǚǷ ومقدما ǧȁȍǚǷȐ

ȍǥȞ ǯȁوȂȍȁ وعقد. ǚǷȂǚǷȁ وǝǨǱ علǓ ȍقدȞȍȁ علǓ ǚǷȍȸȁ كل ǫȨȳ ǿȨ ǧǚǷȍȶȍ ǨȨǥ ما ȁǽȶȍ ȖǧȁǿȁǾǫȁ

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[2] د. ǚǷȽ و ȍȂȍȶȂȍȁ ȼȍȂȍȁ ǤȾǥȍǫȁ وأدǝȍȁ ȼǂ مرǱȍ ǡȨȍǥǦȅ ǯ7Ȗ 10 ȋ. وȍȍدȁ ȷȁǾȁ أȁȁ ȤȍȞȍȁ ǳȍȞȍȁ ȍȍدȁǾȁ Ȗȷ ȼȍȂȍȁ ȷȁǿȍǫȁ ȾȥǦǫȍȁ

ȍȁ ȍǻǂȍǤȍ ȼǒȍȁȖ ǥǧو ȁدǾȁ ȁǭȶȍǽȍȁ ȍȁȞȍȁ ǞȍȞ ȋ 19.

[3] د. ȍǚǷȍȶ ǯȍȶǥȁ ȖȲǥȍȍȁ ȍǱȶ شرȤ Ž ǱȍǱȶǫȁ ȍǿȍǨǥ ǥدȤȁ ȷȁȶȍǥ ǥǫȁȍȍȁ ȍȁȍǤ Ȗǧȍ ǜǩȍȍȁ Ȗ1999 ȋ 44.

[4] ȍȍن ȍǱȶȍȁ ǳȍȨȍȍȁ ȍȍȁȂȍȁ ǱȍȶǥȁȍȂȍȁ مرǱȍ ǡȨȍǥǦȅ ǯ ȋ 198.

[5] ǥǾȤȅ ȍȁȍǤǥȁ ǤȍȂȍȁ 235.

[6] عȍد ȍȍȍȁ ǤȍȁȨ ǥǿȍȁȶȍȁ ȺȖǝ ȍȁȍǥȍȁ Ž ǿȍȍȁȍȁ ȍȍȍȁȍǥ ȍȍȍȁ ȍȍǥǦȅǫȁ ȍǾȍȶȍȁ مكتبة وȍȍȽ ȍǥȍȍȍȁ ȋ 11.

[7] ȍǱȶǥǻ ȍȁȍȍȍȁ كتاب ȍȁȍȍȍȁ ȍǤȍȁ ȍ علǓ ȍȖȍȁ ȍǥȍ ȍǦǥ ǥǦ يȍȍȁ أو يدȍ ȍȍȍȁ ǬȍيدȤ ȍǾȍ ǙȍȍǾ ȍ5142 ȍ9ǯ ȋ 198.

[8] عȍد ȍȍȍȁ ǤȍȁȨ ǥǿȍȁȶȍȁ مرǱȍ ǡȨȍǥǦȅ ǯ ȋ 11.

[9] ȍǱȶǥǻ ȍȁȍȍȁمرȍ كتاب ȍȁȍȍȍȁ ما ȍاب ȍǱȍ Ž ȍȍȁȍȁ ǟǝ ȍǥȍȍȁǥȍȍȁ ȍǤيدǬ ȍǾȍ ǙȍȍǾ ȍ1087 ȍ3ǯ ȋ 397.

من [illegible] وأ[illegible] [illegible] [illegible] [illegible] [illegible] على [illegible] [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible]

و[illegible] عقد [illegible] [illegible] على [illegible] و[illegible] [illegible] وما [illegible] على [illegible] [illegible] من تكا[illegible]

و[illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] مقدمة [illegible] [illegible] [illegible] أ[illegible] [illegible] كل من

[illegible] [illegible] [illegible] [illegible] مرو[illegible] [illegible] [illegible] [illegible] كما[10] [illegible] [illegible] [illegible] و[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] وأ[illegible] [illegible] [illegible] [illegible] كل من [illegible]

و[illegible] على [illegible] [illegible] على [illegible] كما [illegible] [illegible] لكن [illegible] من [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] [illegible] لكن [illegible] من [illegible] على [illegible][11]

و[illegible] أ[illegible] [illegible] و[illegible] كل [illegible] عن [illegible] كما [illegible] على [illegible] و[illegible] [illegible].

- [illegible]: [illegible] [illegible]: [illegible] [illegible] على [illegible] عقد [illegible] [illegible]

[illegible] أ[illegible] [illegible] شر[illegible]:

1. أ[illegible] تكو[illegible] [illegible] [illegible] [illegible] على [illegible] [illegible] من [illegible] [illegible] من [illegible] ما[illegible] من [illegible]
[illegible] [illegible] [illegible] من تكو[illegible] [illegible] كما [illegible] [illegible] من [illegible] [illegible] [illegible]
[illegible] دو[illegible] [illegible] من و[illegible] [illegible] [illegible] [illegible] كا[illegible] [illegible] [illegible]
[illegible] أو [illegible] [illegible] [illegible] [illegible] أما [illegible] [illegible] [illegible][12] [illegible] أما [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] عدة [illegible] لكن [illegible] [illegible] [illegible] و[illegible] تكو[illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] تكو[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] على [illegible]
[illegible] [illegible] [illegible] من [illegible] [illegible] [illegible] [illegible] [illegible] فكل [illegible][13] و[illegible] [illegible]
أو [illegible] أو [illegible] [illegible] [illegible] أ[illegible] [illegible] [illegible] على [illegible] [illegible] [illegible] [illegible]
[illegible].

2. أ[illegible] تكو[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ما[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] [illegible] [illegible] وأ[illegible] [illegible] [illegible] !
على و [illegible] : ((...و[illegible] [illegible] الر[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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[10] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 6 [illegible] 1993 [illegible] 63.

[11] [illegible] [illegible] [illegible] [illegible] [illegible] 7-8.

[12] [illegible] [illegible] [illegible] عقد [illegible] [illegible] [illegible] [illegible] 51.

[13] [illegible] [illegible] [illegible] [illegible] [illegible] 67.

[15]ŏlՂۃةẢöä ȤlبتǹلTȧ تقد Ƀتروةٌ ة ٌ ẚlǵ مرولة ɃÍ öȤǤةٌقٌ ةٌو Ȑȥ ةٌ ٌ Ʀ ةٌ تردد ölǵ Ž أما Û[14]((ƵÜlǐl
.ǬيدΣتٌ ȘȦö ȧѰȕq Ȭ ةٌæو ةٌ ǵlتٌ qتٌو ȜȸȚتٌ Ʀةٌ

Ɔlljl ƵlÛtl

الةٌيعة الŖȢۃية şالȢƊ ȤنيةٌةƝUll

Ȕ ترٌ ɟ ƦȥرȘÛ ةٌ ٌ من ǯةٌوȂØةٌ وعد lŒÍ علɁ ɟÜ ةٌ ريȞ Î ةٌ ٌ Ž ŏlՂۃةẢöä عɻد ةٌǤÛlǐ ةٌ ȤɆتكٌ ɟ
lƶدǵÍ ةٌ ٌ ةٌغŕ ةٌ ةٌ ƔوȂȱةٌ ٌ [16]. ȤѰ يترتƵ ɼŀƎlՂ على ɃÍ Ǭlǿ من أȣر عقد øȾlǬ ǯةٌوȂØةٌ ǤɆȞÔöä Ǵǵ وÜ ɟ
ةٌ ȤقتٌȤة ţȤÅÛȤ ةٌ ةٌ أو من ɇö Ɨǵ ةٌ ةٌ ȤقتٌȤ ŢȤ Ɇl ǵÔ ɃÍ ةٌ ةٌ ركȤ ɟȤ ÛlՂȢ ةٌ ةٌ ŧæ Ѱȥ ƎتٌȞتٌ [17]ȽƝȤةٌوà ƎتٌȞتٌ ljÜو
وعɻتٌ ةٌ ȂØةٌ ǯو ɟ يترتƵ ɟÜ ȽȦة ٌ ةٌ Ʌȸ أدȽةٌ يȣÛlƵ ŏlȤȤ ةٌ ٌ من ةٌ اب ȼة ŏlȤȤ ةٌ ٌ ٌ ȸȞȤلد Û[18]وɟ ة ǹÖɉ ٌ أl
ةٌ ȤÛȦȚ ةٌ و ƵÜlǐ ةٌ ŀ من ŀكل ǹØ عل Ɂ ȣØɈ ŏȽةٌ ةٌ وÛȸȤ ȜǱȤ ويرɆȐة ةٌ ɟو ȻȤعد ةٌ ȳÂتٌ يلتɟ lȆɸqةٌ
ةٌ ȞةٌدوȞ ÓȤ عن ةٌ Ǥ Ûlǐ ةٌ ȞةٌلȤ Ôǵ ويȐةة Ȑ وعد ȻȤ Ȭةٌæو ȸɟ مادة ȳȞB يȤȤ ƝȤد ŌلȤ عقد ȤѰ ÛȞÂȳ ɟو
[19]ȳتٌȂةٌ ٌ وɟ يترتƵ ɼŀ على ɃÍ شȽŏ ɇlèl ȶ عل Ɂ ȸѰǹÜ ةٌ ةٌ ȤعدȤ Ǭǵ Ɓ يترتƵ ɼŀ على ȸةٌ ٌ ٌ Î ȶر ț ɃÍ
عقȤةٌ مادية أو ȤǱةٌȦȂǱ ȽɆɋ Ɂȁl ةٌ ةٌ Ȑقة ȶlȐl ȸɟ ȤلÅȚ ȤعدȤ ǾÛ ɟ ȠÜ ةٌ Íȳ ديالة من ȣ ȳɲ ȧѰǹ ةٌ ةٌ ŧةٌ ǶØ ةٌ ȦɆȵ ةٌ ٌ Ɣ
:ɋѰỊ ȨȤlŀȾl ةٌ ȦlÜ)) : أlë و ȸɆ على !ة ȾlȲ ȳɑقتٌȤ Û[20]Ʀةٌ ةٌ ȤlȦȚ ǧlȦö من lŒÍ ȸÜة ٌ Ȅlمة ȳѰèq ةٌ øǿǵ
.[21]((ȗlǹ ȸمةٌȾÜ lلةٌ şÛȤlǹÜ ȜɆş lلةٌ şÛāǿō ȥɋǵ lلةٌ

أما Ž ةٌ ةٌ قاɋȾȤ ȤلقدȤ ȜɁ ȶÎȶ ةٌ ȠرȦةٌ ةٌ ɃȣŽ ȶɋȤ ȳةٌ èȾȽ ȸمةٌȾ ةٌ ɁȾ ةٌ ريÎ ةٌ Ȝة ȳȞȤȾȧqةٌ ȶɋ ةٌ عتŌ ةٌ ǵǺȽلǹ ةٌ
ةٌ Ǥ ÛlǐةٌȶمȦ:»ȶ 5 ǵدȽȚȤ ÖɆ Ǭǵ ǵÛlՂȤȤȶ و دȞ ɆلՂة ȳدوȞ ÓȤ ة ٌ ȞƦÜ ةٌ ŀ من ŀكل وÛعد رد ȶة ٌ ɆɆةٌ

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[14] مر ȤȤȠ Î 118 من ȣØɈ ȞǬةٌ ٌ.

[15] أȣɋر: ȠɆȤ أȦɟ ٌ ȶȽȤ ȥر مر ȜƝȤ ȴȫèl Û Î 54. وȠȤȽ ȾɔȤ شȾȞ Ûɟlǵ مر ȜƝȤ ȴȫèl Û Î 69. ود. ȦȢةٌ ȶȤǵة ٌ ٌ ȣÛȾȸ ٌ ȸقة ٌ ٌ ٌ
ȳèq ٌ ٌ ȸمȾ وأدȸتٌ Û ǯ7Û Î 11.

[16] د. أȽɳ ȤȤعدو ٌ ٌ ٌ ȣةٌȤةٌ ȽɟȤ Ȑǵ ȤȤ ٌ ٌ ɆȴةٌÂȶ Î ةٌ ٌ Ž ȜɆة ريȞ ٌ ȸمȾȳèq ȸةٌ ȲكةȦ ȜɆȤة مكتبة ȸةٌ ٌ ȳȤɆȢة Ûȟ2 Û1988 Î 31.

[17] ȳɟدة ٌ ȸɟ أ ȤɆ Ǥ ةٌ ةٌ ȴرȦ ȽȦةٌȤ ȸȽةٌ ٌ ٌ ȳȽȸȳ مر ȜƝȤ ȴȫèl Û Î 31.

[18] د. ȠȤȽ ȠدɆȳ ةٌ Ǥ ÛlǐةٌوɆȂȦةٌ ǯȤو ȜǷÂ ةٌ رȤ ȸ دȦȱ ٌ ةٌ ةٌ باȸ ȜȞ ȳȤȤ ȸ ȟ2 Û1994 Î 46.

[19] أȽɳدوȤ ٌ ٌ ٌ ȣȤةٌ Û مر ȜƝȤ ȴȫèl Û Î 53.

[20] د. عȤȳ ȴȫèl ɟȸلȸȤ ȣȤةٌ شقرȢ Ȥȸlǵ أكاȳ ǯȤةٌوȂȦةٌ Ž ȢȤ ȜȦةٌ ٌ ٌ كتاب وÊȦةٌ ȴةȸȸ دȳȤȥ ٌ ةٌ ȦȱȦةٌ ŀةȟ ȟ2 Û1997 Î 69.

[21] أǹرȤǵ ȸتٌȤȢ ȼȲȣةٌ ȸȦةٌ ٌ ȥ كتاب ȳȤȜȦ ɋȦ باب ȢȤمة ȳȤȦ ٌ ȸةٌ ǵ ȳȤȢ Ǭدɋ ǵȽǿ ȸ33Û ǯ1 Û Î 89.

وعد [illegible] وشكل من [illegible] [illegible] أن [illegible] وعدة عقدة [illegible] ولا [illegible] [illegible] ما [illegible] ما [illegible] و[22] [illegible] [illegible] شرع [illegible] من يقع ما وأن [illegible] [illegible].[23]

[illegible] أن ما [illegible] 6 من [illegible] من [illegible] [illegible] على [illegible] "أمكن أن تقترن [illegible] أو [illegible] [illegible] 5 [illegible] من [illegible] [illegible] ومن مدة [illegible] أعرة 8 [illegible] وعادة [illegible] [illegible] من [illegible] ما [illegible] [illegible] وعدة [illegible] أن [illegible] أما [illegible] كان [illegible] عن [illegible] تقرأ [illegible] عقد [illegible] و[illegible] وعدة [illegible] أن [illegible] [illegible] عدوة عن مقتة [illegible] عقد [illegible] يرتة [illegible] شرعة [illegible] على [illegible] و[illegible] ما [illegible] علة تقدير [illegible] أو [illegible] أن [illegible] كان [illegible] ومن [illegible] أن [illegible] و[illegible] على [illegible] مقدمة [illegible] مرلة [illegible] [illegible] و[illegible] شرعة [illegible] ديد شروة [illegible] ومن [illegible] [illegible].[24]

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[22] [illegible] 28 [illegible] 1981 [illegible] 81/249 [illegible] د. [illegible] شرع [illegible] مرة [illegible] 51.

[23] [illegible] 19 [illegible] 1984 [illegible] 34046 [illegible] د. [illegible] 2 [illegible] 51.

[24] [illegible] 19 [illegible] 1984 [illegible] 34016 [illegible] د. [illegible] 2000 [illegible] 5-6.

ǬǚǛǙǜ ǢǝǞǕǚ

ǟǠǡǢǣ اسǤعماǥ العدǦǧ ǨǩǪ ǫǬǭǮǯ

ǰǱǲǳǴ ǵǶ ǷǸ ترت ǹ ǺǻǼ ǽǾǿ ǿȀȁȂȃ ومقدمة وȄǱȅȆ ǿǱǵ وعǶǳ ǹǚ ǷǸȉ ǫǬǭǮǯ أǮ ǿȋȌعتǳ على ǷȎȏȐ ǺȑȒǺȓأ ǺȔأدǺȕǱǲǳ ǹǚ Ǹȗ ǺȘǽعلى ǷǸترتȚǳ ǰǱǲȜǳ ǮأǮȞكȟ ǽȠوȡدوǟǳ ȢǦ ȢǬǭǮǯ على ǬǧǰȤǳ ȥ ǰȦǴȨȩ :ǻȪǿȢǤȫ ȬǭȭǮ ǯȮǺȯ كǰ ȱعدȲȳǴ ȴǷȵǴ على ǰȤȘȜǳ ǬǦ **ǫǤǥǨǩ الǟǠǡǢǣ ǧǨǩǪǫ ǬǭǮǯ ǰǱǲǳ ǴǵǶǷ ǸǹǺǻǼ ǽǾǿ ǿȀȁȂȃ ǚȄȅǦȆ ȇȈ ǽȉȊȋ ǫ ǫȍȎǴ ȏǺȐ** [ȑȒȓȔȕ مسـ[25] ما عدǤ ǫǻȗ ȘȍȜ عن ǫǬǭǮǯ ȠȡȢ و ȣȤȥȦ ǹ ȧȨȩ ȪȫȬ ȭǮǯ أǮ ǶȲ ǷǸǹȳ ǺǶǻ ǵ عدو كاǮ ǿȀȁȂȃǚȄȅǦȆ ȇȈ ǽȉȊȋ ǫ ǫȍȎǴ ȏǺȐ ǮǷȒ ȓȔȕȖȗ أما ǮǙ كاǮ ǬǧǰȤǳ ǫǤǥǨǩ يǪǫ ǬǭǮǯ ǰǱǲǳ ǴǵǶǷ ǸǹǺǻǼ ǽǾǿ ǿȀȁȂȃ ǚȄȅǦȆ ȇȈ ǽȉȊȋ ǫ ǫȍȎǴ ȏǺȐ.

ǫǬǭǮǯ ǰǱǲǳ ǴǵǶǷ ǸǹǺǻǼ ǽǾǿ ǿȀȁȂȃ ǚȄȅǦȆ ȇȈ ǽȉȊȋ ǫ ǫȍȎǴ ȏǺȐ ǮǷȒ ȓȔȕȖȗ ǘȘǴ ǙȚȜ ȝ ȞȟȠȡȢȣ ȤȥȦȧȨȩ.

- **ǫǬǭǮ : ǯǰǱ الصداǲǳ:** ǴǵǶ متǷǸ ǹǺǻ على ǼǽǾ أǮ ǫǬǭǮǯ ǰǱǲǳ ǴǵǶǷ ǸǹǺǻǼ ǽǾǿ ǿȀȁȂȃ ǚȄȅǦȆ ȇȈ ǽȉȊȋ ǫ ǫȍȎǴ ȏǺȐ كاǮ ǬǧǰȤǳ أو ǫǤǥǨǩ وǪǫ كاǮ ǬǭǮǯ أو ǰǱǲǳ ǴǵǶǷ ǸǹǺǻǼ ǽǾǿ ǿȀȁȂȃ ǚȄȅǦȆ ȇȈ ǽȉȊȋ ǫ ǫȍȎǴ ȏǺȐ من ǫǬǭǮǯ أو ǰǱǲǳ ǴǵǶǷ ǸǹǺǻǼ ǽǾǿ ǿȀȁȂȃ ǚȄȅǦȆ ما ȇȈ أو ǽȉȊȋ ǫ ǫȍȎǴ ȏǺȐ ǮǷȒ ȓȔȕȖȗ ترد ǘȘǴ ǙȚȜ كاǮ ȝ ȞȟȠȡȢȣ أو ȤȥȦȧȨȩ كاǮ ǹ من ǬǧǰȤǳ ǫǤǥǨǩ أو عقد من مقتǪǫ ǬǭǮǯ كǰ ǱǲǳǴ ǵǶ ǷǸ على ǹǺǻ ǼǽǾ. وǿȀȁȂ ȃǚȄ ȅǦȆ عقد ȇȈ وأكاǽȉȊȋ وǫ ǫȍȎǴ ȏǺȐ.[26]

أما كاǮ ǫǬǭǮǯ على ǰǱǲǳ ǴǵǶǷ ǸǹǺǻǼ على ǽǾǿ ǿȀȁȂȃ ǚȄȅǦȆ ȇȈ أو ǽȉȊȋ ǫ ǫȍȎǴ ȏǺȐ ǮǷȒ ȓȔȕȖȗ ǘȘǴ ǙȚȜ ȝ ȞȟȠȡȢȣ ȤȥȦȧȨȩ عن عدǪ ǫǬǭǮǯ ǰǱǲǳ ǴǵǶǷ ǸǹǺǻǼ ǽǾǿ ǿȀȁȂȃ ǚȄȅǦȆ ȇȈ ǽȉȊȋ كاǮ من ǫ ǫȍȎǴ ȏǺȐ دين ǮǷȒ

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[25] ǫǬǭǮǯ ǰǱǲǳ ية 34.

[26] ǫǬǭǮ ǯǰǱǲ شاǳǴ مرǵǶǷ ǸǹǺ 77 . وǻǼǽ ǾǿȀ ȁȂȃ مرǚȄ ȅǦȆ 33 . وȇȈ ǽȉȊȋ مرǫ ǫȍȎǴ ȏǺȐ 59 .

[illegible] أو [illegible] و[illegible] كار [illegible]دون من [illegible] وتر [illegible]
[illegible] كذا [illegible] أو [illegible] كار [illegible][27].

- **ثانيا : [illegible] الدا[illegible]:** [illegible] مقدمة [illegible] ما
[illegible]دون.

[illegible] أ [illegible] يترد ما [illegible] من [illegible] مادة [illegible] أما [illegible]
[illegible] أو [illegible] ترد[illegible] و[illegible] تدل [illegible][28] [illegible] كار
[illegible] من [illegible]دون أو [illegible].

[illegible] و[illegible] أ [illegible] يترد وير [illegible] شئ [illegible]
[illegible] أ[illegible] كذ[illegible] و[illegible][29].

أما [illegible] تعقد [illegible] "و[illegible] [illegible] عق[illegible] [illegible] أ[illegible]
أو [illegible] يرد [illegible] و[illegible] كار [illegible] من [illegible]
و[illegible] كار [illegible] من [illegible] أو شر[illegible][30] [illegible] من [illegible]
[illegible] أ [illegible] من [illegible] من [illegible]دون [illegible] كذا من [illegible] أو [illegible].

- [illegible] كار [illegible]دون من [illegible] يترد شئ [illegible] و[illegible] كار [illegible] يدل [illegible] و[illegible]
[illegible] و[illegible] ترد[illegible].

- و[illegible] كار [illegible]دون من [illegible] ترد[illegible] ما [illegible] من [illegible] كار
[illegible] ترد[illegible] و[illegible] أو [illegible] كار [illegible] أو [illegible] كار [illegible]
[illegible] و[illegible] علا [illegible] دون [illegible] و[illegible] ما[31].

- **[illegible] ا[illegible] ري:** [illegible] تعد [illegible] من [illegible]دون عن [illegible]
و[illegible] علا [illegible] من [illegible]دون [illegible] كذا من [illegible] أو [illegible]
[illegible] من 5 [illegible] 3 و 4 علا [illegible]: «[illegible] يترد [illegible] شئ [illegible]

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[27] د. [illegible] مر[illegible] [illegible] 59-60.

[28] [illegible] عا[illegible]دين [illegible] 3 [illegible] 153.

[29] [illegible] 4 [illegible] 61-61. و[illegible] 6 [illegible] 316.

[30] [illegible]دير [illegible]: [illegible] علا [illegible] 2 [illegible] 219-220.

[31] أ[illegible]: د. [illegible]دو[illegible] مر[illegible] 54 [illegible] عقد [illegible] مر[illegible]
[illegible] 60 [illegible] مر[illegible] 34 [illegible].

أ ǿǼدĿĿ ǰ ǰ كان ǿǼدون ǿǽȄا ǹو ǰ ǰ كان ǿǼدون من ǿǼǻȄŭǔǻǽǿǻ ǾǻȄǾǽǻ ǹد ǿǻ ما ǿ ǻǿ ǻ «Õǻǻǻǻǿ» وǻǿ ما
ǼǿǿǼ ǹǼǿǿ Ǻǿǿ ǿǻ ǿǼǻǾ ǿǻǾǻǻǿ Ǻ ǿǻدǿǿǿǿ Ǻ ǿǿǿ ǿǻǿǿǻǿ.[32]

3ǼǿǼ الرǼ ÆǼǿǿ
ǿǿ العدǿ ǼǼǿ ǿǿǼǿǿ ǿǿǿ ǿ ǼǼǿ ǿǿǿ ǿǿǿ

ǼǼǿǿǿ ǿǿǿǿǿ وǿǿǿǿ ǿǿǿǿǿ ǿǿǿǿ أو ǿǿǿǿ ماده ǿǿǿ ǿǿǿǿ ǿǿǿǿǿ عن ǿǼدون ǿǿǿǿǿ ǿǿ
ǿǼدون ǿǿǿǿ ǿǿ ǿǿǿ ǿǿǿǿǿ عن ǿǿǿ ǿǿǿǿ ǿǿǿ ǿǿǿ يǿǿǿ ǿǿǿǿǿ ǿǿ ǿǿǿ ǿǿǿǿ أǿ ǿǿ.
ǿǿǿǿǿ ǿǿǿ ǿǿǿǿǿǿ ǿǿǿ من ǿǿǿ ǿǿǿǿ ǿǿ ǿ ǿǿ ǿǿǿ ǿǿǿ ǿǿǿ ما عدǿ ǿǿǿ
وǿǿ يǿǿ ǿǿǿ ǿǿǿ ǿǿǿǿ ǿǿǿǿ ǿ ǿǿǿǿ ǿǿǿ ǿǿǿ وǿǿǿ ǿǿǿ ǿ ǿǿǿ ǿǿǿǿ وǿǿǿ
كان ǿǿǿ الدوǿ ǿǿǿ ǿǿǿ ǿǿǿǿ ǿǿǿǿ ǿǿ ǿǿ ǿǿ ǿǿǿǿ ǿǿ ǿǿǿǿ ǿǿǿǿǿ أǿ ǰ ǿǿǿ
ǿǿǿ ǿǿǿǿ ǿǿǿǿ ǿǿǿ ǿǿǿ ǿǿǿ ǿ ǿǿǿ ǿǿǿǿ ǿǿǿ ǿǿǿǿǿ ǿǿǿ ǿǿǿǿ ǿǿǿǿ ǿǿǿǿǿ[33]
ǿǿǿ ǿǿǿǿ ǿ ǿǿǿǿ ǿǿǿ ǿǿǿ وǿǿ ǿǿǿ عǿǿǿ ماǿǿ ǿǿǿǿ ǿǿǿǿ ǿǿǿ ǿǿǿ ǿǿǿ ǿ
ǿǿǿǿǿ وǿǿǿ ǿǿǿǿ ǿǿǿ ǿǿ ǿǿǿǿ[34] وǿǿǿ ǿǿǿǿ ǿǿǿǿ ǿ ǿǿǿ ǿǿǿǿ ǿǿǿ
يǿǿ:

- ǿǿǿ: الرأي ǿǿǿ: وǿǿ؟ وǿǿǿǿ عن ǿǿǿǿǿ عن ǿǿǿ ǿǿǿǿ عن ǿǼدون ماديا كان أو أدǿǿ
وǿǿǿ ǿǿǿǿ علǿ؟ ǿǿǿ ǿǿǿ ǿǿǿǿǿ ǿǿǿ ǿǿ ǰ ǿǿǿǿ ǿǿǿǿ ǿǿǿǿǿ ǿǿǿǿ ǿǿǿǿǿ
ǿǿǿǿ ǿ ǿǿǿǿ ومن ǿ يكǿ ǿǼدون عن ǿǿǿǿ ǿǿǿ ǿǿǿǿǿ ǿǿǿǿ ǿǿǿǿǿ ǿǿ ǿǿǿ
ǿǿǿ ǿǿǿǿ ǿǿǿǿ عدوǿ ǿǿǿ ǿǿǿǿ[35] ǿǿǿ ǿǿǿ ǿǿǿ ǿǿǿǿ ǿǿǿ ǿǿǿǿ ǿǿǿǿǿǿǿ
"ǿǿǿǿ" ǿǿǿ ǿǿǿǿ ǿǿǿǿ ǿǿǿ ǿ ǿǿǿ ǿǿǿǿ ǿǿ ǿǿǿǿ ǿ ǿǿǿ ǿǿǿǿ
وǿǼدون عن ǿǿǿǿ ǿǿǿǿǿǿ ǿǿǿǿ ǿǿǿǿǿ.[36]

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[32] ǿǿǿǿǿ ǿǿǿǿǿ ǿǿǿǿǿ ǿǿǿǿ 1985/12/30، ملǿ ǿǿǿ: 39065، وملǿ: 39289. أǿǿ: د. ǿǿǿǿ ǿǿǿǿ ǿǿǿǿǿ مرǿǿ ǿǿǿǿ ǿ 3-4.

[33] ǿǿ ǿǿǿǿǿ شاǿǿ أǿǿǿǿ ǿǿǿǿǿ ǿ ǿǿǿǿ مقاǿǿǿ ǿǿǿǿ ǿǿǿǿ ǿǿǿ ǿǿǿǿ ǿ2، 1977، ǿ 69.

[34] ǿǿ ǿǿǿǿǿ شاǿǿ ǿǿǿǿǿ ǿǿǿǿ، ǿ 70.

[35] ǿǿǿǿǿ ǿǿǿǿ، ǿ 70. وأǿǿ: ǿǿ ǿǿǿ مرǿǿ ǿǿǿǿ ǿ 67-68.

[36] ǿǿǿǿǿ ǿǿǿǿǿ مرǿǿ ǿǿǿǿ ǿ1، ǿ 829.

[illegible] ملك [illegible] على [illegible] من [illegible] أن [illegible]
[illegible] عقد [illegible] على [illegible] المدون عن [illegible] وعلى [illegible]
[illegible] كل [illegible] على [illegible] من [illegible]
[illegible] على [illegible] ما [illegible] المدون على [illegible] يقع على
عقد [illegible][37] و [illegible] يقع على [illegible].

- ثانيا: الرأي [illegible]: ويرى أن [illegible] المدون عن [illegible] على من عدة [illegible]
[illegible] وعلى [illegible] مقعد [illegible] المدون
و [illegible] عن [illegible] و [illegible] قاعد [illegible]
[illegible] مادة [illegible]
[illegible] و [illegible][38]. [illegible]: "[illegible] أن [illegible]
[illegible] أو ما [illegible] أن [illegible] تركز على
[illegible] كل [illegible] من [illegible] ما [illegible] عن [illegible] [illegible]"[39].
وكذ [illegible] على [illegible] أن [illegible]
[illegible] يترتب على [illegible] أو [illegible][40].

- ثالثا: الرأي [illegible]: و [illegible]
أن [illegible] وعد ملك [illegible] لكل [illegible] المدون [illegible] ما ترتب على [illegible]
المدون [illegible] المدون [illegible] أو [illegible] أو [illegible]
[illegible] المدون يترتب على [illegible] المدون [illegible]
على [illegible] المدون و [illegible]
[illegible] [41] [illegible] يقع [illegible]: "[illegible] عن [illegible]

[37] [illegible] مرجع [illegible] 71.
[38] [illegible] مرجع [illegible] 70.
[39] [illegible] مرجع [illegible] 33.
[40] [illegible] مرجع [illegible] 71.
[41] [illegible] مرجع [illegible] 74.

[illegible] كان [illegible]
[illegible]"[42].

أ [illegible] عن [illegible] من [illegible] و [illegible] على [illegible] مقلد
[illegible] عن [illegible] ترتب [illegible]
[illegible] على [illegible] مقرر [illegible]
و [illegible] عن [illegible] عن [illegible] أو [illegible] باب [illegible]
من [illegible] تركز [illegible] و [illegible]
[illegible] عن [illegible] أو [illegible] عدد [illegible]
من [illegible] عن [illegible] على [illegible] كان [illegible]
[illegible][43].

وعلى [illegible] عن [illegible] من [illegible]
[illegible] عن [illegible] يكن [illegible] عن [illegible] كما [illegible]
دون أن يكون [illegible] يتعلق [illegible] على [illegible]
[illegible].

وعلى [illegible] يمكن [illegible] أن [illegible]
[illegible] على [illegible] على شرط[44] [illegible] على [illegible]
[illegible]:

- أن يكون [illegible] على [illegible] على [illegible]
  [illegible].
- أن يكون [illegible] عن [illegible] من [illegible]
  مقترنا [illegible] كما [illegible].

أن [illegible] على [illegible] و [illegible] على [illegible] كان [illegible]
[illegible] عن [illegible] من [illegible].

وما [illegible] على [illegible] على من [illegible]
[illegible] عن [illegible] و كان [illegible] أن

[42] [illegible] 827.

[43] [illegible] 72-73.

[44] [illegible] 77.

عن R̀ͅȤȞԏӧ ȼɆȽȞȥ ǿƎ ɹ دور ȻǨ8ǣ ǿͅR̂ӧ ǡlΣǓ ƃǓ ȼǭǵ ȯlȾȞԏȅǟ ʔأدر ǟǣǓ فكن Ȗȼǭǵ ɅȾȞԏȆ
Ǣترت Ɔlȷӧو ĘΣǟ ȯlȾȞԏȅǟ ǒȤȅ ȯɉو :ǟ أمرين: ɃيǟȰكاǵأ ɫɫكاǂǟ ȻǾȽ ǨǨǣ وȩد ȖǿͅR̂ӧ ǟǾȽ
ǿͅR̂ӧ[45]

- ǿالثقا: مȤȩȤ ɬͅȊɬ ǁالعري: فقد ǢȽǣ ɬͅȊɬǟ Ƀͅǟǟǡƨǟ Ž ɹȤɸɭ ǵͅȅɉǟ مȾǿȽǢ ƙɫالثقافة
ǵدالȶǟ Ȍ̀Ǻ Ǭ̄ǵ ǵȖيةȤǠȞم مادية أو ǟǟǿͅȑ أȻɸلكا ǒȤȅ ȯدوȞǻ عن ǟƤلǠǻ ǿǟͅȑ ɉǟ عن R̀ͅȤȞԏȽǣ
ɫكاΣǟ ǠlǇȤ ƙȤͅȖӧ ǵدɉ ɃȤǠȞم أو Ƀمادة ǿͅȑ ȯدوȞǻ علʔ Ǣترت ǟǣǓ« :ȼɸأ علʔ ȼǠم 2/5
Ž ɬلالȖم ǒlǇȤ Ȍ̀Ǻӧ ɹɉ ȖlɸكرǞ ما علʔ ǟǻɫǣ تقدǣǣ ƃǓ Ʒتاʒ Ȍ̀Ǻӧ ǟǾȽ ɹأ ƙȡ «R̀ͅȤȞԏȽǣ
ǵد Ž ȯدوȞȽǣ ĘlȞمت R̀ͅȤȞԏȽǣ ɫكاΣǟ ɹأ ȼǠم ɫƳǠي وȩد ɩɯ ȯدوȞǻ عن R̀ͅȤȞԏӧ ǟǟȤƛ ȼȾكاǵ
ȼɸȕȤ ƃلتاȽǣو ȖȳǟǠȽǣ Ƀأ ȼǢعلǢ يترتǢ ɍ وعد ǟǛȖȉǟ ɹأ ǿlǛعتاǣ ɬɸكرǞ لكا مفتقد ȯȤȩ ȤȽ وȖȼǟǣ
ما ĘȤو علʔ ǿͅȑ ȯدوȞǻ ǟǾȽ علʔ ما ترتǢ ǟǣǓ R̀ͅȤȞԏӧ ǢlȖي ɬɥǓوȖ ȯدوȞǻ ƙȤͅȖӧ ɎكǑ Ęʒ
ǟǻɫǣ ȻǟǣوبقدǞ R̀ͅȤȞԏӧ ǡlȅأ ȼǣ ȖǛR̀ي ɅدليȞت ƃǓ Ʒتاʒ Ȍ̀Ǻӧ ǟǾȽ ɹȕȤ ȼǢعلو .ƙȕͅȊӧ كر منǞ
علʔ مǛدأ ȼɸأو ȼǣ ɹȩأ ǟȕɫȉ ȖǡȤΣǟ ȯlȾȞԏȅǟ Ž ȤȆȞԏӧ أǛدم 41 ǵدالȶǟ Ž Ƀͅǟǟǡƨǟ ɬͅȊɬǟ ȼǣ من
Ǣترت ǟǣǓ« :لكلȊӧ ǟǾȽ علʔ 5 ǵدالȶǟ من ǟǣɸȷӧ ǵقرǠȽǣ Ȍ̀ɸ ȯȞɈ ɹأ يكن ȼɆȽȞȥ ȖƆدǟȶǟ ɹȤɸقاǠȽǣ
ɬɸدǣȩ وȩد «R̀ͅȤȞԏȽǣ ɫكاΣǟ ǠlǇȤ ǟǛȖȉǣ ǟɸمقترن ǡlȞȥأ ǢǛȆǣ ɃȤǠȞم أو Ƀمادة ǿͅȑ ȯدوȞǻ عن
علʔ ĘǠمت ككل ȥǠӧ ǟǛȖȉǟ عن ǟǣǛƩȤأ ȯlȞȥأ عن ǟƟlǠǻ ǿǟͅȑ ɉǟ ɹɉ ǟǛȖȉǣ ǟɸمقترن ɹȤ تك ɹȤǣ ȯlȞȥɉǟ
ɣӧ ȯlȞȥɉǟ ʔدǵǓ ȑȶǟ ƃǓ ƙȤͅȖӧ ǵدأ ǢȆǠي ɹȤك ȖɫƳ R̀ͅȤȞԏӧ Ǣlȕ Ž ǿوͅR̂ȶǟ Ęǵ
.[46]ɬȨǾȩ ɬȤȤɸɭ Ǝȥت

ǟǾȽ ويترȬ تقدير ȯدوȞǻ علʔ كȤɸȼ ǡȞȥت مȤȤǛɬ ǟǣلȾȅوǢǛȞǟ ƃǓ لقاȑɊ ǢȆǺ ما يرǟǺ
.Ǭ̃ǣ علʔ ǟǢȤȶǟ ǟǢرȥȶǟ علʔ ǟǢلȾعتǟ.

وȩد ʒ ǿͅȑ ǒlR̂ǟ ǟȾȖǟ من Ƀ ǟǾȽ ȯشكاǡو Ǭ̃ǣ عǠلدما ʔƳǟ ƃǓ ǵدالȶǟ [47]ǟȩɎǟ تكلȤ
:ɬƳع ȯدوȞǻ عن R̀ͅȤȞԏӧ ǡlȅأ ȤƳو ǟǛȖȉǟ ǟȞǛǛ

1. ǟǛȖȉǟ ǨǢǣȤ ملاȞقد ǵȋǠ.
2. ɬرد ȯدوȞǻ عن ǟǛȖȉǟ ɍ يكȤɹ مǛȞǛ ȤȤǛǣ ǡlȞǣR̀ͅȤȞԏ.

[45] ǢȡȤȩ يكن ȖʒǟǠǻ ومقاǡɸǟɸȼ ƙǟȤȩ ȖǢlȞǻ ȖǦوȨȉ ȖȤǟǡǾȉǟ ǢȆȥǛȶǟ ȖȤرȤǛǻ Ȗ2 ȑ 114-115.
[46] د. ȶǢȤ ȖȶدȤ مرǞʒ ȖĘǢȅ 66.
[47] ȖǢǠȤȞǻ ȖȒǢȤǻ مرǞʒ ȖĘǢȅ Ȗ1 ȑ 830.

3. äæǕ ɹترȩä ȯدوǨöä عن äǤÛʅä ȯlǨǫǖæ ǨقΣأ äǿرr̀ ɗǵǖæ ƙǤÛʅä àǀDZ ʅݣΣä
ةǨȯلRْيǫǨ علʔ âlèأ äţÊǘوǒäǂ äȫتقǑKية.

ƆlǯJl ǬHuGţl

ﺔDZşÂJl ǼƐʎåüǩ Ęǵ ȯlaﻌﻤﺎɋﺍﺳ

ȯşɟl ǼȴÛţl

ȼǪﻪȮǵş ȼﻞﻴﻠJåş ǼƐʎåüǪJl Ęǵ ﻪɂǻǷʐ

- ȽŗşÜ : **ﻪɂǻǷʐ Ęǵ ǼƐʎåüǪJl:** ǼȄﺘﺎﺩﻳﺔüﺔ ﺔ8ȯ: ﻳﻘﺎﻝ ȯأﺩﺑﺎ ȼﺪﺑﺎ أﺩﺑﺎ Ƀأ ﻋﻠﺔ ȼţa ɑﻳﺎ ɤ ﺔ ȂȦƊﺔ Û ﺃﺩﺭ ﻭأﺩﺑﺎ ȼﺪﺑﺎ ﺗﺄﺩﻳﺒﺎ ﺔǽÜ ﻋﻠﺎǵȼ ﻋﻠﻰ ȽlèȁÛ ȼﺘaǒ ﻭﺔèﺘﺄﺩﺏ Ƀأ ﺗﺄﺩﺏ.[48]

ŞlǑÛŸǵǈl: ZDlǑ Ž ţﺔ8Ƚ : أ ɟ ǼȄﺘﺎﺩﻳﺔüﺔ ﺔȀÔﺔ ﻋﺎﻣﺔ ȽZ ﺔȒŘﺭﺏ ﻭﺔǿƶɂɑ ﻭﺔüHȂǱZ.[49] ﻭﻳﻜﻦ ﺗĦȦﺭﻳȼ ȼǫZɁȼ ȁǹ :ﺭ أ ɟ Ęǵ ǼȄﺘﺎﺩﻳﺔ ﺔȂȅǵﻭDZﺔ Ęǵ ȽZ ﺔȂȅǵﻭǯ ﺔȯȁɃ ȼǫlȷţ ﺔÎlǿ ţ ɳﺔǭŘlȽ أ ɟ ﺔﺔüɃ ﻭأDZǼ ! ﺔ ﻣﻦ ɑﻋﺘﺔǹ ȼ[50] . أﻭ ȽZ ȯlÛﺔ ɍǿﺭɇ ƚƚl ţﺔÎ ﺭţ ﺔDZﻭﺔȼ ȯƶȯlﺔ ﻭﺔHȂƚȟ ɃȽÛǵȼ ǽﺔ ȄƚŧƚȲ ﺗﺘﺔȊǯ Ž ȴȽlè ﺗﺄﺩﻳﺔ Ǽ ⱷﺩﺩ ﻣﻦ أDZJ ǾɓGǾ ﻭɂǻǵŸǑÛﺔ ȼﺔﺪﺔDZǿ ǽƞȀşﺔ ȀﺮȂﺔȂDZJ ﻋﻠﻰ ﻭȼDZȦ ǯȂlǑ.[51]

- ﺛﺎﻧﻴﺎ : ÕǑÛ Ęǵ ǼƐʎåüǩ ﺔDZşÂJl ȁŞﺳﺎﺔ ȼǪǵƚﺔÛ :

ﻣﻦ Ęǵ ǯﻭȂȅǵ ﺷﺮɅﺎ أ ɟ ﻳﺄﺩﺏ ﻭȼDZȦ ȼǫDZȦȁ Ƀ ȀĦÛ ȼ ƚǫȼﺔ ǼȄDZأﻭ ! ﺔ ﻋﻠﻰ ɁƚȽ ﻣﻦ ȼǫɃﻋﺘﺔǹ Û أﻭ ﻣﺎ ZǑZﻳ ﺷﺮɅﺎ ȄÛ ȃȁȈÎ ﻭȽȯȁ ﺭȮǵ ȃɃ ȼǿɇ ɃlĦﺗ :[**ȯlDZǵﺍﻟﻮ ȼǳlﻬɂ ﺍﻟﻠȝ ﺍﻟﻘﺴﺎﻭﺓ ɳl ƞŘŎ ȁ!**

ﺔŘǻɃ ɂǨl ﻭﺓ ﻟɇ ǸɤĦǯ lﻬȽ ǰɂɁl ﺯﻟﻠﺼﺎŹǵﻠ ȼlĿǵ ɋﻠǱǵ ǹɁȽǵƚ ǼlǾ ɳl ǵȂŞ l!

ŞlŸǨ ɳɂźlȷ ȷǿɂɁȂɣ ɳﺔǭǿȼﺔĦ ɳǿǯɂɱ Ž ţlǯƚŘƷ ɟǯl ɋǿ ɂﺷﺔǭȁ ﻟﻠȁȯĿ ǯŸ ɍǬƐ8ɂl

ﻋﻠﻴǷɂ ﺳﻮ_ﺭŸ[52] Û ﻭﻭ ȼDZȦ ﺩƚȯ ﺔɇǿ ﺔ أ ɟ ! ﺔ ﻋﻞ ﻭǼDZJ ɇ ﺪ ǼDZȟJ ﺔDZɍJ ﺭ ﺔɁȽlɃ ﻋﻠﻰ ţﺔ ﺭأǫ ǵ ƚǿɇDZǼ

ﻋﻠﺔɁȽ ﺔÛ ƚȯ ȮŽȮ ﻣﺔHȮǪȼÛ ﻭ ﺔɟ ȼǵ Ęǵ ﺗﺄﺩﻳﺔǱȽ ȁǽȽ ɥÎ ȂǯǫDZǪ أﻭ ǮǮȼǵ ǰJ ﻭ ȴɑlǾ ǼȄﺘﺎﺩﻳﺔüﺔ ɣ ﺔüǯ

ﻳﺔǵlǫ ﻳﺮﻛﻦ أ ɟ ɁǵÛ ǯƚ ﺔHŢǯ ﺭTǵɁ Ž ţǿĦŘȝ ﻭﺔȒŘﺭﺏ[53] ﻭﻧﻜﻦ ﻭZȨ ǯZɤǯÜ ȂȄǵȼɁƚ.

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[48] ţǪÔƚǯ ÛǨǩɍţ ﻣﺎﺩﻭ ﺃﺩﺏ. ﻭأﺭŢ: ﺩ. ǽǯǨƉ ɁǵǼȽ ZǿƉ ﺔǽȁɂﺔ ƚǿǯﺔ ÛǨɌƚ ﺔǿǫﻭǯ Û ﺭﺍﻣﺶ ȼǿ ﺩ ﺔüﻜǫ Û ȓǯƚɍ Û 1998 Û 1 ȓ 48.

[49] ﻓﻘﻪ ﺭﺳﺎﺗﻤﺔ Û ţ8ɟ Û 1ǯ Û 357.

[50] ȾǪɁ ﻋﺒﺪ ﺟﻴﺪ ţɍÕǯ ÛȯɁȅȟƚȮ Ęǵ ǼﺩﻳﺔDZȂȯ ﺔɑ ɟ ﻭﺔﻗﻤﻦ ǾǻHɃ Û ﻋﺪﺩ 43 Û ﺔǪƚ11 Û ﺃﻛﺘﻮﺑﺮ 1968 Û ȓ 3.

[51] ﺩ. ǻǯȽ ﻋﺒﺪ ȼɍɌ ǵǵﺩ Û ﻣﺮɁǯ ƚȁɍƚ Û 156 ȓ.

[52] ǯǿǿè ﺗﻔﺴﻴﺮ ǼȄƊƚ ﺗﻮȼﺔ 34.

[53] ɊȂƚ ﻓﻘﻪ ǯɊǯ Û ǳǵﻭǯ ﺔȼȀ ﺭȂȂƚ Û 1ǯ Û ȓ 491.

!ä ȴȶHUȥ ρ ƑÅöä ʒم ţäدȥöä äDzǵ ȴǮشد ǂϕأ Î ȥǵǂä بن عمر عن Bøوø ما äÂÊöä ومن

ÈـلـIJ ولȥʒ ȴǭدنʒ هه lyǘȥ lKǹ ŏالناسǂ lȥǑȥasls ǂǓ)) :ölę Ż Şوو كروǽ ¢ǂÉLعل lǫأو

ʒDZlȒţl Ž هȿȿDzهlȥ هLعȥ ولŭȥ ÛäنيةG ä Î ǵlÀǽ ǨǩǚÂ ون ǂǓ ǬǽlKǬ ǙلǓ̀Ì هǮمن ȥǑلǬ

äØŁ من ادǽtĀlĒ ǽلǕ وÛ[54]((**ǭǭَسيG هǮحلʒ lȥ8ǵǩ ǮȥȴǑعiÛǓ ولŭȥ dzƎهم Kǭ lǕǹǽ هȥǽȿǹ ǹlş**

Ž lǮÛȥǽtĀǽ ÛäǂÔǨم Bأ ä Î ǵlÀöä lŏlكتاøä عد ǽلد äDzوÂöä Ǣتدري ǵماشرو Ǭǵ Ǯوǆ Âlö أ ǭǾ يدȥäǑ

ǂ äölΣä ǂØŁ Ž ȴHUlö äGDZȥم lŒǂ lϕÂöä ä Î ǵlÀöä من ȷدǽ ţä ÈǂUȥ ÛlǮǂلع ǂtلGDZäعلى من وǢDZä

.ȳlqä ǂل äǂمتlęüǽ ǯوÂöä Ǒiƹ ǂ و ÛǢتديöäůä

lϕدǵأ Ǯوä Ęǵ ما :!ä öȥèø يا Ǩlę :ölę ǂǂǽأ عن ماǨوية عن ǂǂن ȴǂكǵ عن Bøوø كȴǂ

ǂş ǴGǑǩ ǂş ǂDZȥll ǡȿȒǩ ǂş ÛǨسيǫǭl lǽǓ lهȥسǑǩş Ǩعمü lǽǓ lǮعمÛǩ)) :ölę Ýǂǂعل

عل؟ äDZوÂöä Ęǵ ȴè و ǂعل !ä ǂlö öȥèرöä Ǩǽ ȷ أ ǽلǨǽ ǾيدΣä äØŁ ǂAȥ[55]((**ǨǂGll Ž ǂǓ ȿDző**

äǵlǽǓ ǂمه ȴǮǽيA lǕ lǮǮDZو عل؟ Ǣتديشlö ǂتDZوä Ǯوäöä ȥب ǹ عن ؟ǁو ǵȥÊكöäو قة äÀöä Ž lǮDZوä

.[56]lǽتديǂ ǂDZȥöä Kǭ عل؟ ȿب ȒöäȒ

- lǯlلǫ: Ęǵ ǢǂǽǘǨ äDZşÂll Ž lلǑlǨ ولȥǽ I Âاعري:

أو äDZوÂöä ȷlǂÔع ölǵ Ž ĘΣä äØŁ öوaلأ Ǒϕ Bأ ȴȭ ǂ lǽϕǘȥ ǵȿèǂä ȷȥϕقاmö لأǽäتقرèlǽ

ǬǂǵlǮDZوä ǂlθ äDZوÂöä عل؟ Ǣƶ ما Ǵ ǹ ȥǾ Ɣöä 39 ǵدlţä Ǒϕ ǂǓ لأماما ȴȭ ǂ و ÛlŁäȥ Î ϕ

Bأ Ǭöǽ ȴǨǽ ȴȭ ǂ و «äلهlǨöä ÈǂƏø ǂølGتعاǽ ǂعاتȿä ومر Ǯوäöä äعاlǔ» :lǮمه ƃوǂä ǵقروäÀöä ǑAت

ǵدlţä ǑǂAǽ Ǯوäöä Ȥǒ ȷǓ وǴǵ Ûǂö ǂتDZوä ȷlǂÔع عد Ǯوäöä ǂØǺ ȷ أ يتǢƶ ما Ǵ ǹ ȥ Ǒϕ

ȷ أ ȴǮǽيA lǕ Ûäǂȥشرé äèlƏø lŒǂ äDZوÂöä Ǣتدي Ęǵ ǂHUǂǬ ǂ äèlƏرöä ǂØŁ ȷǘȥ Ûäلهlǽǩöä ÈǂƏø ǂȥϕكǽ

ǢDZȥη Ǭöǽو Üäǂمهèq ǽäǨȿ Î öä ȳlكǵأ ƃǓ ǂدø عل؟ äöǂ د ĘΣä äØŁ عن ǵȿèǂä ȷȥlęϕ ǧȥكè

ȳlكDZä ƃǓ ǂǂȥ ʒDZ يرȷ ȥϕقاǽöä äØŁ Ž ǂعل ǑAöä يرد Ɓ ما كل» :ȷأ عل؟ ǑAت Ɣöä 222 ǵدlţä

»وǽǽǓ :äǂǂȶǫöä ǵقروäÀöä Ž ǬöØكƃ وǂä مادتǂ Ž Ɔدţä ȷȥϕقاöä Ž دø ما وكØä «ǽäǂمهèq äǨرǽ Î öä

؟ȒقاǂȶGȥ ȴDZȥ Ɓ ǽǽǘȥ ǽäǂمهèq äǨريȿ Î öä ÙǽlG ماد؟Ȓقاη ƟǹlǫقاǂäǂȴكǵƟǨȿÎ ȥ Ǒϕ ȴDZȥ Ɓ يȥȴد Ɓ

[54] ǂأ ǹȿDZǂ ǂمترøäǂ ÛƁØǂ كتاب ǂǽȿǹ lţǓ ǂاب ما ölDZ Ž Ęǵ ǵǂţä عل؟ ÛlǮDZوä ǵدǽǾ ǽęø 1163Û 3ǯÛ ٍ 467.

[55] ǂأ ȥǽǂ أ دǽودن كتاب ǂǂكاǽäǽÛdz ǂاب Ž Ęǵ ǵǂأ ţä Ûǵ يدǽǾ ǽęø 2142Û 2ǯÛ ٍ 251.

[56] äÔǂlƆÛ ǂGè ǂÊöä ÛȳƳ 3ǯÛ ٍ 298.

ǻǼǽǾȁȂ ǻȃȄȅȆǻ Ž ǿǻ ما تقرǿ Ȉȉ ȊȋȌȍ ǻȐȑǻ ȒȓȔȕ Ȉǵ ȕȖȗǵȘ ȚȜ ȝȞ وعلȟ «8ȡǻ
ǻȢǻȣǻ ǵǻȤȥǻȣȦ.

- ȧȨ : ǻȪȫ ȬȭȮ ȯȰȱȲ Ȉǵ ȳȴȵȶȷ:

ǻقد ȸȹȺ ǻȻȼ ȽȾȿ 8ɀɁɂ ǻɃɄɅ Ɇɇ ɈɉɊ ɋɌ ǻɍ يكȝ ɎȘ ɏɐɑɒ Ž ǻɓɔ ɕ يدير ɖɗɘ
ويɚɛ ɜǵɝ ɞɟɠɡ ɢɣɤ ɥ علǻ ɦɧ ɨɩ ɪɫ كاȝ ɬɭɮ ɯɰ علǻ ɱɲ ɳɴ ɵɶ ɷɸɹ
من ɺɻ ɼ ɽɾ ɿ ʀ من ʁʂ ʃʄ ʅʆ ʇʈ ʉʊ من ʋʌ ʍʎ علǻ ʏʐ
ǻʑ ʒʓ ʔ ʕʖ ʗʘ ʙ ʚʛ ʜ ʝʞ ʟʠ ʡ ʢʣ ʤʥ كاȝ ʦʧ ʨʩ ومن ʪʫ
Ȉǵ ʬʭ ʮ ʯ ʰ يقاǻ ʱ ʲ وǻكن ʳʴ ʵʶ ʷʸ ʹʺ ʻʼ علǻ ʽʾ ʿˀ ˁ˂ ˃˄
˅ˆ ˇˈ كاȝ ȝ و˅ ˉˊ ˋˌ ˍˎ ˏː ˑ˒ ˓˔ و˕˖ ˗˘ ˙˚ وǻكن ˛˜ ˝ اب ˞˟ علǻ ˠˡ ˢˣ
ȝ أمر ˤ˥ ˦ يكن و˧ ˨˩ يرد ˪˫ ˬ˭ ˮ˯ ˰˱ ˲˳ ˴[57] ˵˶ ˷˸ ˹˺
˻˼ يلǻ ˽˾ وأǻشد ˿̀ ́̂ ̃ أ ȝ ǻشد ̄̅ ̆̇ ̈̉ ̊̋ ̌̍ ̎̏
و̐̑ ̒̓ وتر̔ ̕ Ž ̖̗ ̘̙ ̚ علǻ ̛̜ ̝̞ ̟̠ ̡̢ ̣̤ ̥ ̧̦ ȝ أ ̨̩
ǻر̪̫ Ž ̬̭ مقǻد̮ ̯̰ ̱ يت̲̳ ̴̵ و̶ ȝ ت̷̸ ̹̺ ̻̼̽ ̾̿ و̀́
͂̓ ̈́ يل͆ ͇͈ ͉͊ تقن͋ ͍͎͌ أما ͏͐ ͑ أ͒ ͓ من ͔͕ ͖͗ ͘͘ ȝ ͙͚
ترك͛.

وǻد و͜ ͝ ͞͞ ͟͠ ͡ Ž تǻ͢ " ͣͤ " ͥͦ: " ȝ ͧͨ ر ͩͪ ͫ ͬ
ͭͮ و أمر ͯͰ ͱ Ž ǻقل ͲͳǾ و ͵Ͷ ͷ͸ ͹ أمر ͺͻ ͼͽ Ž ;Ϳ ǻدǻ
ǻ΀΁ وعلة ΂΃΄ ΅Ά ·Έ ΉΊ ΋Ό ΍ أ ȝ Ύ ΏΐΑ عن ΒΓ ΔΕ ǻΖ
و Η ΘΙ ΚΛ ΜΝ ΞΟ Πρ يǻقلن ΢Σ وΤΥ أو ΦΧ يΨ ΩΪ Ϋά
έή عن ίΰ ر αβ γδ εζ η Ž θ و ιλ ǻوμ علǻ كل ν ξο ǻكل πς.[58]

[57] ρσ مرτυ φχψω ϊ 1ϋ 474 ό.

[58] ύώ Ϗϐ ϑϒ دϓ ϔ2ϕ 1983ϖ ϗ5Ϙ ό 75.

ƆlǯI ǼƗlÛţl

ةǱ§ÂǱl ǼƗǸåüǨ Ęǵ Ǯ§ÂǱl ȯlعمالا Ǜǂlz ȓ§ ȓ§ȓ ǿ

ȯlǵ Ž Ȭǿǽ وǯǿǿÂǿ عقد ǿlǿǛ من كǿǿǿ Ǯ ǿÂǿ Ǩǿlǿ Ęǵ ǼƗديǿǿǿǿ Ęǵ ɉǿǿ ȼكرǿ ĘǦè lư

ȯlȶǿǿèǿ ȓ شروǿ Ôǵ وǿكن ÛlƵlǿ علǿ ƵǱوǿ ǧ lǦǱ من وǿ ǼǱǿ Ž ƵÛǿǿ أو تǿريǿ ةǱوÂǿǿ ɉlǿÔع

:ĘΣǿ ǿØȽ ȯlȶǿǿèɍ ɉlǿǿ ȓ ǿ ɉ أو ماديا ɉlÛ شرǿ Û ȓ شروǿ ǿǿǿǿ Ž ǼƗديǿǿǿǿ Ęǵ

- أوƵɍ ǿlǿ ǿǿǿǿǿǿ ɉǿǿ Ȭǿǿ وǿǿǱÂǿlǿ ĘlǛǿ يǿǿǿ Ƶlǿ è ǿǿǿ ǿǿlǿ ǿǿǿǿشاǿ.

- ȶƵǿlǿ ĘlǛǿ يǿǿǿ Ǯ وǿÂǿlǿ Ȭǿǿ ɉǿǿ يلتǿǿ ɉǿlèǿǿ ǼƗديǿǿǿ ɣǿǿ Ƚدǵ ǿ ǿ ȶ.

وشرǿ ȓ ǿǿ ź ǿǿlǿ ǿǿǿǿ يتĘlǛǿ ǿǿǿ ǿ ǿlǿǿǿǿ وǿǿǿد Ž ȯlȶǿǿèǿ ǿÂǿ وǯ Ęǵ ǼƗديǿǿǿǿ.

- ǿ§ǿ: أن الصدǿ ǿǿ ةǱ§ÂǱl سلامǿ lǿ ǿǿǿ ǿ ǿ ǿǿǿ.

1. ǿǿǿǿǿǿ الǿǿ ǿ: ǿǿǿǿǿ ǿ ǿ ǿlǿ Ƚ ǿ ǿǿǿǿ من ǿ ǿǿǿǿ وǿ ǿ ǿǿǿ ǿǿǿ ǿǿǿǿ Ž ǿǿǿǿǿ ǿ ǿ ǿǿ

وǿǿǿǿ ǿǿǿǿ ǿǿǿǿǿ علǿ ǿǿ ǿlǿ ǿǿǿǿ علǿ ǿǿǿǿ ǿǿǿ ǿǿ علǿ ǿǿǿǿǿ وتركǿǿ ǿǿ l ǿǿǿǿǿ

وكرǿǿ.[59]

lǵǿÛòl : ɍ ǿǿ ǿ ǿǿǿǿ ǿǿ ǿǿǿǿ Ž ǿǿǿǿǿǿǿ عǿǿ ǿǿǿǿǿ ǿ ǿǿǿǿǿ ǿǿǿ ǿ ǿǿǿǿǿ ǿǿ ǿǿ ǿ 8

:ǿǿǿ عǿ ǿlǿ ǿǿǿǿǿ ǿǿ ǿ أمرǿ ǿ ! أ ǿ ǿǿǿǿ[60] ǿ ومن ǿǿǿǿǿǿ من ǿǿǿǿ Ž مǿǿǿǿǿǿ

Ǭǵ ǿǿǿǿ ǿ ǿǿ ǿ ǿǿǿ ǿǿǿǿ ǿǿ كل Ž ǿǿǿǿ ǿǿǿǿ ǿǿ ǿ ǿǿ ǿ.[61] وǿǿǿ ǿ من عǿ 8

أو ǿǿ ǿǿǿǿǿ ǿǿǿ عن ǿǿǿǿǿǿ ǿǿ ǿǿǿ ǿ ǿǿǿǿ ǿǿǿǿ عǿ ǿǿ ǿǿǿǿǿ ǿ ǿǿǿǿǿ ǿǿǿǿǿ

كرǿ ǿǿ ومǿǿ عǿǿ شǿ ǿ ǿ ǿǿ.[62]

وعلǿǿ ǿǿǿ ǿǿǿǿǿ ǿǿǿǿ ǿǿǿ يتǿǿ ǿǿ ǼƗديǿǿǿǿ ǿǿ ما كاǿ ǿǿǿǿǿ ǿǿǿǿ ǿǿ Ęǵ

ǼƗديǿǿǿǿ Ęǵ ǿǿǿ Ǯ Ž ȯlǵ ǿǿǿǿ ǿǿǿ ǿǿǿ ǿǿǿǿ مǿǿ ǿǿǿ ǿ Ž ǼƗديǿǿǿǿ وǿǿ ǿǿ Ęǵ

ǿǿǿǿǿ وǿǿǿǿǿǿ وǿ ɍ ǿǿǿǿ أمرǿ ǿǿǿ ǿǿ عǿǿ ǿǿǿ ǿǿ ǿ.lǿ

[59] ǿǿǿ: أǿ شكر عǿد ǿǿǿǿǿ ǿǿǿǿ ǿǿǿǿ مادو ǿǿǿǿǿ ǿǿǿǿǿ ǿ ǿǿǿ ǿǿǿ ǿǿǿǿǿ ǿ 1 ǿ 1990 ǿ 276.

[60] ǿǿǿǿǿ ǿǿǿǿ علǿ ǿ ǿ 8 ǿ 163.

[61] ǿǿǿǿ ǿǿǿ ǿǿǿǿ ǿ 2 ǿ 334.

[62] ǿǿǿ ǿǿǿǿ ǿǿǿǿ ǿǿǿǿǿ ǿǿǿǿǿ ǿ 192.

- Ž ǁŎƅǆŶ ا ǖǂǕيŗ: Ɓ يتناوŐ ƫǂ ƫǂƫ ǁǂƹƢǖŞƿ ǂŬ Ž ǁǆǂŞ ǆ ǁȀǂŞ مƹǆǂƺ ǂƺǆ ǂƹǆǂƪ ǁǂƹǂو ǁƹ كر ما
يترتƹ ǖǂ على ƟǂƢǆ من ƵǆǂǕ ƠǂŶƹ علƽ ǂƽƢǂƹ ǂƝǆƹ مدǁ ǂǆƪǂƺ ǂǂƠ ǂŰ ƹŰ :1/ 37 «ǂǂƟ
علƽ ǂƹǆǂŞ ǂŶ ǂƢǆƺ ǂƹǆƶ ǂǂŞǆƹǂƹ ǂƪ ǂƹƿ و ƩǂƢǆ ƿ ǂǆƾ ƶǂŢ ǂƹǂŞ» وǂƺǂ Ž ǂǂƹǂ 55
ǂǂƽ ǂƠ ǂŶƳǆ ǂƝƹǂ علƽ ǂƹǆǂŞ وتƷǆŶǆ ƸƷǆǂ ǂǂƹǂƪ :«ƾǂƹ ǂƝǆŞƹ ǂƝǆƪ ǂƾǆ ǂƟ ǂƺǂ
ǂǂƽ ǂŸ ǂƶŨǆ ǂƾǆƹǂ وǂŶǆƹǂ Ƹ ǂƢǆŶƹ ǂƶǆ يدƳ ǂǆ علƽ أƾ مƹǆ ǂƹǆƪ ǂǆƹǂƹ وƠديد ǂƹǆǂƾǂƾǂ
ǂƹǂ ƺǂǂƹ ǂƹǆƹ يرǂ ǂǂƢ ǂǂƽ ǂǂ دƷ Ž ǂƹǆƹ ǂǆƹ كǂƹ ǂƹǆƿ كرǂƹ ǂƹƹ ǂƹǂƢ.

2. ǂǂǆǂ ǂƹǂƹǂƿ ǂƹǆƹ ǂǂƹǆƪ ǂƹǆ ǂƹ ǂƹǆ:

ǂƹǂ ǂƢǂƹ ǂǂƹǆƪ ǂǂǆƾ ǂƽǆƹ ǂƹ ǂƹǂƹǂƿ ǂƹǆƹǂ ǂƹǆƹǂ ǂƹǆƾ ǂƹǆ ǂƹ ǂƹǆ ǂƹǆ ǂƹǆƹ ǂƹǂƹ ǂƹǆ
أƾ يƠدǂ ǂƹǆƪ ǂƹǆƹ ǂƹǆƶ ǂƹǆƹ ǂƹǆƹǂ ǂƹǆ يكƾǂ ǂƾ ǂƹǆƹ ǂƹǆƹ علƽ ǂƹǆƹ ǂƹǆƹǂ
ǂƹǆƹ من ǂǂƹǆƹ ǂƹǆƾ ǂƹǆƹ ǂƾǆƹ ǂƹǆ أو ǂƹǆƹ ǂƹǆƹ أو ǂƹǆ يكƾ ǂƾǆ ǂƹǆƹǂ ǂƹǆƹ
Ž ǂƹǆ ǂƹǆƹǂ ǂƹǆƹǂ عن أǂǂ ǂƹǆƹǂ ǂƹǆ ǂƹǆƹ ǂƹǆ ǂƹǆƹ ǂƹǆƹ عقد ǂƹǆƹ
كامتناǂƹǂ عن ǂƹǆƹ ǂƹǆƹǂ أو ǂƹǆƹ ǂƹǆ أو ǂƹǆ ǂƹǂ.[63]

ǂƹǂ ǂƹǆ كر ǂƹǆƹ ǂƹǆƹ[64] Ž ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ ǂƹǆ ǂƹǆ Ž ǂƹǆ مƾ
ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ: "ǂƹǆ ǂƹǆ ǂƹǆƹ ǂƹǆ أƾ يǂƹǆ أو ǂƹǆƹ علƽ ǂƹǆƹ
ǂƹǆ وما Ž ǂƹǆ ǂƹǆ ترǂƹ ǂƹǆƹ ǂƹǆƹ يريدƾ وترƹ ǂƹǆƹ ǂƹǆƹ ǂƹǆ دعاǂ ǂƹǆ ǂƹǆƹ
وترƹ ǂƹǆƹ Ž ǂƹǆƹ ǂƹǆƹ وǂƹǆ من ǂƹǆƹ ǂƹǆ شرǂƹ ǂƹǆ ǂƹǆ أƾ يƹǆ ǂƹǆ مƹ
ǂƹǆƹ"[65].

ǂ. ǂƹǆƹ ǂƹǆƹǂ ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ ǂƹǆ: وǂƹكن ǂƹǆƹ Ž:

- ǂƹروǂ ǂƹǆƹ ǂƹǆ ǂƹǆ ǂƹǆƹ ǂƹǆƹ من ǂƹǆ علƽ ǂƹǆƹ ǂƹǆƹ عقد ǂƹǆƹ أƾ
تقǂƹ Ž ǂƹǆ كƹكن ǂƹǆƹ أعدǂ ǂƹǆ ǂƹǆ: [ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ ǂƹǆ ǂƹǆƹ ǂƹǆƹ][66] ǂ

[63] عǂƹ ǂƹǆƹ ǂƹǆ مرǂƹ ǂƹǆƹ ǂ 162.

[64] ǂƹǆƹ: ǂƹ ǂƹǆ قƾ عǂƹ ! ǂƹǆƹ ǂƹǆƹ ǂƹǆ ǂƹǆ علƽ ǂƹǆ وǂƹ ǂƹǆ (1217هـ) ǂƹكرǂƹ ǂƹǆƹ وترǂ ǂƹǆ (1270هـ) من ǂƹǆƹ كتاǂƹ Ž "ǂƹǆ ǂƹǆ Ž ǂƹǆƹ ǂƹǆƹ وǂƹǆ ǂƹǆƹ". أǂƹر: مقدمة ǂƹǆ ǂƹǆƹ ǂƹǆ ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ 1993ǂ 1ǂ.

[65] ǂƹǆƹ ǂƹǆ Ž ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ: ǂƹǆ ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ ǂƹǆƹ 1993ǂ 4ǂ ǂ 38.

[66] ǂƹǆ ǂƹǆƹ ǂƹية 6.

و[illegible] كل [illegible] من [illegible]
[illegible] و[illegible] كلا[illegible] [67] [illegible] من [illegible]
[illegible] علا [illegible] شر[illegible] [illegible] أو [illegible]
[illegible] علا [illegible] أو [illegible] [68]
و[illegible] علا [illegible] [69] وكا[illegible] [illegible]
[illegible] ما [illegible] علا [illegible] عقد [illegible] كل مر[illegible]
علا[illegible] أ[illegible] تنقد [illegible] وأ[illegible] وكا[illegible] أ[illegible] ترا[illegible] أدب [illegible] من [illegible] من عد[illegible]
[illegible] شرعة [illegible]: [illegible]
. [70] [illegible]

- [illegible]: [illegible] أو [illegible] أ[illegible] تدعا [illegible] أو [illegible] كا[illegible]
تنا[illegible] ما[illegible] أو [illegible] دعا[illegible] علا[illegible] أ[illegible] أو [illegible] دو[illegible] أو [illegible]
مكر[illegible] [71] [illegible] ما [illegible] أو
[illegible] [72] [illegible].

[illegible] السلبية [illegible]: وكا[illegible] [illegible]:

- [illegible] عن [illegible]: و[illegible] دعا[illegible] أ[illegible] [illegible]
[illegible] و[illegible] و[illegible] [illegible]
[illegible] ما [illegible] علا [illegible]
[illegible] : (([illegible] امر[illegible] الر[illegible] [illegible]
[illegible])) [73] [illegible] و[illegible] أ[illegible] [illegible]
.[illegible] كا[illegible]

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[67] عند [illegible] مر[illegible] [illegible] 163.

[68] [illegible] عابدين [illegible] 3 [illegible] 603.

[69] [illegible] 2 [illegible] 512.

[70] [illegible] 33.

[71] [illegible] 8 [illegible] 136. و[illegible] 2 [illegible] 343.

[72] [illegible] عابدين [illegible] 4 [illegible] 77.

[73] [illegible] كتاب [illegible] 2237 [illegible] 6 [illegible] 314.

- ǫǁȌǟǠǳȇ عن ƫƘǸǳƢǧƘǫǁȌǟǠǳȇ :ǂȇǂǬƫ ǁȌǟǠǳȇ ǷǍǂǼǧ ǂȇǂǫ ȆǻƢưǳȇ[74] وǻǍǂب ǷǍǂǼǧ ǂǏƢǼǠǳȇ ǫǁȌǟǠǳȇ
ƐǂǬƫ ǂȇǂǬƫ ǷǍǂǼǧǷ ǁȏ أو ǳǷǍǂǼǳȇ ǁȏ ǺǷȆǧȏǳȇ ǃǂǠǳȇ ǪȈǬƸƫ ǁȏ ǳǳȏǂǫ ǷǍǂǼǳȇ وǻǍǂǼǳȇ Ǻǟ ǃǂǠǳȇ ǳǠǟǷ ǷǳǳǷ
ǷǳǳȐǟ ǳǷǍǂǼǳȇ ǫǁȌǷǍǂǼǳȇ ǾȈǧ ǳǷǍǂǼǳȇ :"ǼȈǳǷǍǂǼǳȇ عر ȆǼǠȇ" :ǛǁǼǳȇ ǂȇǂǬƫ ǂǏƢǼǠǳȇ Ǯǳǀǯ Ž ǁȏ ǷǍǂǼǳȇ Ž
ȁ ǷǍǂǼǳȇ ǁȏ ǷǍǂǼǳȇ ǃǂǠǳȇ ǁȏ تر أو ǂȇǂǬƫ ǳǷǍǂǼǳȇ علǷ ǃǂǠǳȇ ǳǸǧ ǷǍǂǼǳȇ ǳǸǧ ǁǈȈǳǷ ǷǍǂǼǳȇ من ǳǸǧ ǳǷǍǂǼǳȇ
ǷǍǂǼǳȇ وأشǷǍǂǼǳȇ ǷǍǂǼǳȇ وتقرير ǷǍǂǼǳȇ ǷǍǂǼǳȇ وǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ يكلǷǍǂǼǳȇ ǷǍǂǼǳȇ كاǷǍǂǼǳȇ وأǷǍǂǼǳȇ
ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǃǂǠǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ من ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ و ǷǍǂǼǳȇ
."ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ وǷǍǂǼǳȇ ǷǍǂǼǳȇ Ž ǷǍǂǼǳȇ[75]

ويǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ :"وǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ
Ž ǷǍǂǼǳȇ من ǷǍǂǼǳȇ ǷǍǂǼǳȇ وǷǍǂǼǳȇ Ž ǷǍǂǼǳȇ ǷǍǂǼǳȇ Ž ǷǍǂǼǳȇ علǷ تكǷ ǷǍǂǼǳȇ ǷǍǂǼǳȇ Ž
[76] [ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ] :ǷǍǂǼǳȇ دǷǍǂǼǳȇ علǷ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ أو .ǷǍǂǼǳȇ
."ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ تكǷ ǁȏ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ[77]

وǷǍǂǼǳȇ أشاǷ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ Ž 1/39 ǷǍǂǼǳȇ ǷǍǂǼǳȇ من ǷǍǂǼǳȇ
"ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ومرǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ علǷ ǷǍǂǼǳȇ" :ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ
ǷǍǂǼǳȇ ومتǷǍǂǼǳȇ شǷǍǂǼǳȇ مرǷǍǂǼǳȇ ǷǍǂǼǳȇ Ž ǷǍǂǼǳȇ مرǷǍǂǼǳȇ كلǷǍǂǼǳȇ من ǷǍǂǼǳȇ يدǷǍǂǼǳȇ ǷǍǂǼǳȇ
.ǷǍǂǼǳȇ وǷǍǂǼǳȇ

- ǷǍǂǼǳȇ عن ǷǍǂǼǳȇ ǷǍǂǼǳȇ :ǷǍǂǼǳȇ ǷǍǂǼǳȇ من ǁȏ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ عقد
ǷǍǂǼǳȇ وتǷǍǂǼǳȇ ǷǍǂǼǳȇ ǁȏ ǷǍǂǼǳȇ من ǷǍǂǼǳȇ ǷǍǂǼǳȇ[78] ǁȏ ǷǍǂǼǳȇ ǷǍǂǼǳȇ أǷǍǂǼǳȇ ǁȏ ǷǍǂǼǳȇ
[79] [ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ] :ǷǍǂǼǳȇ ǷǍǂǼǳȇ وتقǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ
وǷǍǂǼǳȇ ما ǷǍǂǼǳȇ علǷ ǷǍǂǼǳȇ ǷǍǂǼǳȇ وǷǍǂǼǳȇ من ǷǍǂǼǳȇ علǷ ǷǍǂǼǳȇ متاǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ
.ǷǍǂǼǳȇ ǷǍǂǼǳȇ أين ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ[80]

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[74] ǷǍǂǼǳȇ ǷǍǂǼǳȇ Ž2Ǯ ǂ 511. ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǂ 226.

[75] ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ Ž2Ǯ ǂ 154.

[76] ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ 228.

[77] ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ Ž عقد ǷǍǂǼǳȇ ǷǍǂǼǳȇ مرǷǍǂǼǳȇ ǂ 198.

[78] ǷǍǂǼǳȇ Ž2Ǯ ǂ 106. ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ Ž3Ǯ ǂ 147.

[79] ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ 6.

[80] ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ 1986/01/13 ǷǍǂǼǳȇ 39467. ǷǍǂǼǳȇ :د. ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ ǷǍǂǼǳȇ مرǷǍǂǼǳȇ ǂ 46.

• [illegible] وقدور [illegible] ((أن [illegible]
[illegible] نساء [illegible] نسائهن [illegible] نساء [illegible]
[illegible] و [illegible] [81]((أن [illegible]
[illegible] دور [illegible] [82] [illegible]
[illegible] من [illegible] أو [illegible] عادة [illegible]
[illegible] [83].

وعلى [illegible] من [illegible] أو [illegible] عن [illegible]
[illegible].

- ثانيا : أن [illegible]

[illegible] ما [illegible] قد [illegible] كذلك [illegible] الحيوان [illegible]
[illegible] ولكن [illegible] على [illegible] ليلا [illegible]
[illegible]: [illegible]
[illegible] [84] فقد [illegible] وتهمة [85] [illegible] مرة [illegible]
[illegible] [illegible] عادة [illegible] وقد [illegible] [illegible] و [illegible]
علي [illegible]:

- الوسيلة [illegible]: [illegible]: وقد [illegible] في [illegible] عادة
[illegible] [86] [illegible] عدد [illegible]

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[81] [illegible] 236.

[82] [illegible] 512. و [illegible] 603.

[83] [illegible] 603.

[84] [illegible] 34.

[85] [illegible] من [illegible] ما [illegible] من [illegible] أ [illegible] ...". [illegible] 420.

[86] [illegible] 343.

[illegible] وما يترتب [illegible] من [illegible]
[illegible] وما [illegible] من [illegible] و [illegible].[87]

- **الرسالة الثانية:** [illegible][88] [illegible] شرعا [illegible] أشار [illegible][89] [illegible] مدى [illegible] يرى [illegible][90] [illegible] عدد [illegible] ما شاء[91].

أما [illegible] عن [illegible] عن [illegible] أشار [illegible] يعتقد [illegible] مدى [illegible] :3/53 [illegible] :[illegible] أشار".

- **الرسالة الثالثة:** [illegible] على [illegible] شرعا [illegible] عقاب [illegible]:

- [illegible] شديد [illegible] ((لا [illegible]))[92]
[illegible] ما [illegible][93] [illegible] كالكلام[94].

[87] [illegible] 169 [illegible] .172.
[88] [illegible] على [illegible] 169.
[89] شرح [illegible] 176 [illegible] 172.
[90] [illegible] 56.
[91] [illegible] على [illegible] 169.
[92] [illegible] كتاب [illegible] 1218 [illegible] 8 [illegible] 148.
[93] [illegible] 8 [illegible] 163.
[94] شرح [illegible] 2 [illegible] 176.

- كما يأتي في ب Ȓربأ يكون شاهد ورب ȒرΪ Ȋن ما ǿǓ Ǻكتيبة فريقة ƇǞ ȂقƠ
ةǈوǓǾ كاȒرب عاب ǾǈǽǓ أو ǽǺǾأ أو أو ǽ ǾǾǳȆǳ أو ȂǿȂȆ ǿȂǾ تقد Ʒ Ǻǿ Ƒǿǳ !ǿ
علǽ و ȒرΪ عاب ǾǈǽǓ :ǾǿǓǾ ((ȕ Ȓȑ ǽǈǽǽ ȑǾȒȂ Ɠ)) وأن يتقن كل ƠǾǾǓǾ
ǈǽǾكة وأن يتقن ȂǾǾǾ ȂǾ أ ǿ يترة ȒرΪ أو ǿǾǾ ǾǾǾ أو مر ǾǾ[95].
ǾǾǓ ǾǾǓ وǾǾ كر ǽǾ ǿǾ !ǿ ǾǾǾ Ʒ ǽ أ ǾǾ مهلة ǾǾ ورب ȒرΪ ǾǾ من كن ǾǾǾǾ وǾǾ ǾǾǓ
[96]((ǾǾ ǾǾ ǾǾǾǾ ǾǾ ǾǾǾǾ ǾǾ ǾǾ ǾǾǾ ǾǾǾ ǾǾǾ ǾǾ ǾǾǾ)) : ǾǾ علǽ و ǾǾǾ
وكل [97]"ǾǾǾ عن ǾǾǾ وǾǾǾ ǾǾǾ أمر ǾǾ ǾǾ وǾ ǾǾǾǾ ǾǾǾ" :ǾǾǾ ǾǾǾǾ ǾǾǾ ǾǾǾو
ǾǾǾ ǾǾǾقاب ǾǾ ǾǾǾǾ عن ǾǾدون ǾǾǾ عاب ǾǾǾǾǾ ǾǾ ǾǾ ǾǾǾ من ǾǾد ǾǾ ǾǾǾ
.[98]ǾǾǾ ǾǾǾ Ǿ ǾǾ ǾǾ ǾǾ أǾ ما ǾǾ يتركǾ ǾǾǾ ǾǾ

- ǾǾǾ: مراǾǾ ǾǾǾ ǾǾǾǾ Ǿ اسǾǾǾ ǾǾ ǾǾǾǾ

أǾ أǾ يكǾ ǾǾǾ Ǿ ǾǾǾ Ǿ ǾǾǾ ǾǾǾǾ ǾǾǾ ǾǾǾ ǾǾ ǾǾǾ ǾǾǾ
وǾǾ عاب ǾǾǾǾǾ ǾǾǾǾ ǾǾǾǾ ǾǾǾ ǾǾ ! علǾ من ǾǾǾǾ ǾǾǾ ǾǾǾ ǾǾ ǾǾǾǾ
وǾǾ من ǾǾ ǾǾǾǾǾ كاǾ ǾǾ ǾǾǾ ǾǾ كǾ ǾǾ يدǾǾ ǾǾǾ شرǾ وǾǾ ǾǾǾ ǾǾǾ ǾǾǾتكاب
ǾǾǾǾ كǾ تǾǾ Ǿ ǾǾǾ شرǾ ǾǾ ǾǾ ǾǾǾ ǾǾ ǾǾ ǾǾ ǾǾǾ Ǿ ǾǾǾǾ ǾǾǾǾ
ǾǾǾ[99] كما Ǿ ǾǾ ǾǾǾǾ ǾǾ كان ǾǾ من ǾǾǾǾ أو ǾǾرد ǾǾǾǾ[100].
وملǾ ǾǾǾ ǾǾǾ ǾǾ ǾǾǾǾ ǾǾǾǾ ǾǾǾ ǾǾǾ Ǿ ǾǾǾǾ أو ǾǾǾ ǾǾ
أǾ يكǾ متǾǾ ǾǾ ǾǾǾة ǾǾǾǾ من ǾǾǾ وأǾ ǾǾǾ عن ǾǾǾ ǾǾǾة ǾǾǾ ǾǾǾ
متǾǾǾ Ǿ ǾǾǾǾ ǾǾ[101].

[95] د. ǾǾ ǾǾǾ ǾǾǾ ومǾǾ Ǿ ǾǾǾǾ ǾǾǾǾ مرǾǾ ǾǾǾ ǾǾ ǾǾ 1ǾǾ .364
[96] ǾǾǾ ǾǾǾ ǾǾǾ Ǿ كتاǾ ǾǾǾǾ ǾǾǾ مرǾǾ ǾǾǾ ǾǾ 1ǾǾ .420
[97] ǾǾ ǾǾǾ ǾǾǾǾ ǾǾǾ ǾǾǾ ǾǾǾ ǾǾ 1ǾǾ .420
[98] شرǾ ǾǾ ǾǾǾ 2ǾǾ .176
[99] ǾǾتر ǾǾǾ كتاب ǾǾǾ ǾǾاب ما Ǿ ǾǾǾǾ Ǿ ǾǾǾǾ ǾǾǾ 3ǾǾ .271
[100] شرǾ ǾǾ ǾǾǾ 2ǾǾ .176
[101] عǾǾ ǾǾǾ ǾǾǾ مرǾǾ ǾǾǾ .189

- **ǺǖǻǼƗ ȰȈȘǰ الصǻǾǼ:**

من ƗƐǽǼǽǠǟǽƗǽǟǛاتلا ǾǜȂǟǼǻǼǸǼǸǼ التفرقة دور ǘǗǽǠǠǡǥƐǼǸǷǼǸǻǽ أو ǶǸǼǴǻǼǻǼǽƐǽǙƐǽƗ ǼǻǼǽƐǼǾǼ ǗǿǠ

ǼǻǼǾǟǼǻǽǽǼǻǾǽ كل كذلك تكون أو على ǼǼǽǿǸǼ كل ǼǻǽǼǿǾ ǽǾǽǼǸ Ȃǽ ȃǽǽǿǼǻǼǽ ǗȃǸǼǽǸǽǻǽǸǼǷǽǸǸǼǻǼǽ ǻǼǸǽ.[102]

وǼǻǾ ǼǻǷǽǼǼǽǼǸǼǽ ǼǽǽǼǻǼǽǿǸǼǽ أدǼǽ كذلك ǼǽǼ على تدل ǼǿǽǼǽǼǽǽǼǽǼǽ: ǺǽǼǸǼǼǽǼǽǼǽǽǿǽǼǽǼǽǾǽǼǾǽǼǽǼǽǽǽǼǽ

الصǼǽǽǼǽǿǽǼǽ ((ǼǽǼǽǽǽǼǽǽǽǼǽ: ǻǼǽǽ و على! ǼǽǼǽǼǽǽǽ وǼǽǽǼǽǽǽǼǽǼǽǽǿǽǼǽ[103]]ǼǽǼǽǼǽǽǽǼǽǽǽǼǽǽǿǽǼǽǽǽǽǽǼǽǼǽǽǽǽǼǽǼǽǽǽǼǽ

ǼǽǼǽǼǽǼǽǽǽ ǼǽǼǽǽǽǼǽǽǽ ((ما ǼǽǽǽǼǽǽǽǼǽ: ǼǽǽǽǼǽ و[104] ((ǼǽǼǽǽǽ ǼǽǼǽǽǽǼǽǼǽǽǽǼǽ سنǼǽ ǼǽǼǽǽǽǼǽ الصǼǽ

الصدǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ الرǼǽ ǼǽǼǽǽǽ ǼǽǽǽǼǽ ((ǼǽǼǽǽǽ: ǼǽǽǽǼǽ و[105] ((سǼǽǼǽ ǼǽǼǽǽǽ ǼǽǽǽǼǽ

صاǼǽǼǽ)).[106]

- **ǼǽǼǽǽǽ ǼǽǼǽǽǽ الصǼǽǼǽ:** ǼǽǼǽǼǽ ما ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǼǽǽǽǼǽǼǽ أن ǼǽǼǽǽǽ ǼǽǽǽǼǽ وǼǽǽǽǼǽǼǽǽǽ ǼǽǽǽǼǽ

ǼǽǼǽǼǽǽǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽǼǽǽǽ أن ǼǽǽǽǼǽ وأن ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽǼǽǽǽ ǼǽǽǽǼǽ متǼǽǼǽ

ǼǽǼǽ ǼǽǽǽǼǽ على ǼǽǽǽǼǽ ǼǽǽǽǼǽ وǼǽǽǽǼǽ كاǼǽ ǼǽǽǽǼǽ وǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ وأن ǼǽǽǽǼǽ على ǼǽǽǽǼǽ

ǼǽǽǽǼǽ ǼǽǽǽǼǽ كان ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ أن ǼǽǽǽǼǽ ǼǽǽǽǼǽ وأن ǼǽǽǽǼǽ ǼǽǽǽǼǽ

ǼǽǽǽǼǽ ǼǽǽǽǼǽ على ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ.[107]

ǼǽǽǽǼǽ ǼǽǽǽǼǽ
ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ

ǼǽǽǽǼǽ على ما ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ

ǼǽǽǽǼǽ وǼǽǽǽǼǽ ǼǽǽǽǼǽ مرǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ

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102 ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ 4 1985 1 518.

103 ǼǽǽǽǼǽ ǼǽǽǽǼǽ 6.

104 ǼǽǽǽǼǽ ǼǽǽǽǼǽ كتاب ǼǽǽǽǼǽ ما ǼǽǽǽǼǽ ǼǽǽǽǼǽ ǼǽǽǽǼǽ 407 2 259.

105 ǼǽǽǽǼǽ ǼǽǽǽǼǽ كتاب ǼǽǽǽǼǽ ما ǼǽǽǽǼǽ أدب ǼǽǽǽǼǽ 1952 4 338.

106 ǼǽǽǽǼǽ ǼǽǽǽǼǽ كتاب ǼǽǽǽǼǽ ما ǼǽǽǽǼǽ أدب ǼǽǽǽǼǽ 1951 4 337.

107 ǼǽǽǽǼǽ ǼǽǽǽǼǽ مرǼǽ ǼǽǽǽǼǽ 1 518. وأǼǽ: ǼǽǽǽǼǽ ǼǽǽǽǼǽ مرǼǽ ǼǽǽǽǼǽ 189 وما

ǼǽǽǽǼǽ.

ǻǽŭ ǻŷǫǐ ō يترة ɟ و Ɓǘ ɟ ƁØōǻ Ɓǐ ÛdzƎţǻ Ƙď ربRōǻ ƲƷǻ ويƛ Şɛɀōǻ من أ يدǶ ƁØōǻو Ûǻɀ ÎǺōǻ
ǿō ǿǥǐ Ęǵ ōŀƚȞǻ ددÔǻ ȷɀ يكɀ ǿǿɀ ǿǻǤǐ ȳǐ عد ǿDZوǻ Ǣتادي Ž ǿǵ ǯوÂōǻ ȴȞǻ ما
ربRōǻ Ǿņɉ وǻ Ǣادية ǥوǻ دقر ǯøln ǻ شرǻ ǻɀ ȴȞǻ ȷ كار ȷ و Ûȷɀ قاǻ ǿǻ و ţǿlÎōǻ
من «كل :ǿǐ عاɁ ǾǻǬ Ǭǵ ǧɀ ȷɀ من 204 ǥدţ ǢDZɀ ȷɀ قاǻ ǿ علǢ ǢlȞǬǵ
ǒǻعتدqǻ أو ƺǻ ōƚȞǻ من أعƚ رǹ عƚ Ɓǐ Ǣتكǿ أو ǿر ȑ أو Ƙ8ǻ ǵǐ روDZ ǻƚ عƚ ǫدǵǐ
«...ǻǻمة ماǻ8 وǻ ǧɀǻ ȄƦ Ɓ شǻرين من Ȅǻ Ǣlȟ
أو ǨǻǾ تا ȷ ǻǨ ǻر ȑ ǿDZوǻ Ǣتادي Ž ǿǵ ǯوÂōǻ ōƚȞǻ عاɁ Ǣترتǻ ǿǐ Ƙď
Ǣتاديōǻ من ǨǻǾ تا ǻǽ ǻDZوÂǻ ƚRǻ ɟ ǯوÂōǻ ȷ أ دƥ وأ Ǭǻ ما ȳqǻ ǢŁǿɀ ÛŁȞǻ ǨǻÒǐ
ǿȝ مز ȷɀ يكɀ ɟ ǬǻǐǿǾ شديدǻ ربRōǻ ȷ كار ȷ ǻ أدǻ ǿȝ مز Ž Ǝǻ ربRōǻ ȷɀ يكɀ أ ȷ عاɁ ţروţ
Ȼدودǵ Ž ȳǻ مادة Ǣتاديōǻ عن ǻمدǻ و ɟ ǻǻDZ ōǕÊ ɟ ǯوÂōǻ ȷ أ Ɓǐ Û[108]ȷƚRǻ ǿɀ ǻDZوÂǻ أدǻ
.[109]ţǿlÎōǻ ǿō ǿǵǐ ǻǵ ȴȞÊ ǿɉ روعة ţǻ

أما Ž ȷɀ قاǻ ǿ تقد عتǻ Ǝ ǻرǻ ǻǻ ǻDZوÂǻ ǻǿɀ ǻǻ ƺǻǾ وɛǻد ǿƟ عاɁ ǻǿŁ ƺǻǻōǻ Ž
ǿǻǿعɉǻ ربRōǻو من dzرƨǻ وقتلǻ مرتكǢ ǻدÊ» :ǿǐ عاɁ ǧɀ ȷɀ من 279 ǥدţ
عدية Ƙď ةرDZ ǻǐ عاɁ ǻǿŁ ƺǻ تقد ǬǻǾ وكـ «...رǹǿ عاɁ ƘDZوÂǻ دǵǐ ǻتكǿ ǻǽ
ǻÊد من ǻDZɀ من ٍرو8ş من ƺǻǺōǻ ǻǧǻǻ قرţǻ Ž ǥدţ 264 من ȷɀ ǻǧ Û
ǿرȝǻ عاɁ شǻرين Ɓ ȴɉǻ عاɁ أيا ȳ ǥ رǻ ء من Ȅǻ Ǣ»lȞ :2/242 ǥدţ ǾǻǬ Ǭǵ
دÔǻ Ƙ8ǻ ǢǻÊ تقد كل من ÜǾǻ Ƙǻ ƘɁ ǻǻ Ɂدǵ أو ǯد1000 Ɓ 100 من ǻǻمة ماǻ8 وǻ
Ž شǻر أ ǻŷǫ ǻǥƶ ȴȞǻ عن ǻ كاǻ ÂDZعǿ علǢ يترتǻ ɟ ǻ مرو أو ǻǾ أو dzروDZ ǫǻǵ
وكار ȷ ǾǻǬ عن ǻاشǻ عن ǻɀ ǻعǿ أو ȳ عدǻ ǿǻǵ ȳ أو عدǻǿ أو ǿǻƵ أو عدǻ ȳ مرǻǾǻ ǥ ǻǻ ȴǻ«

أما ǻǽ ǻدɁ ǯوÂōǻ دودǵ وشروǻ ȓ ǻǢتاديǻ Û أو داǵ ǻدǻÔ Ȼ من وǻرȓ ǿ من ǿǻƚȞǻ عن
Ȟǻ يتاǻ ǻÊǻ ǿǻكǻ ǿɀرÔǻ ƺǻ يكǻ ǿǿɀ ȳǻ قاǻq ǻدÔǻ Ɓ Ǣتاديǻ ǻدÔǻ من Ɓǐ ǻƲرعÎǻ ǻدɀÔǻ
ǢlȞ ǻǻǻDZ ǻǻوǻǕÊǻ ōǕÊǻ ǿǻ Ɓǐ [110]ǻ تادي Ǝǻ ǻƳɀ ǵǐ DZ أو ǻر ȑ Ȼǻǻ ǻاعتǻ Ûǻ وǻ ǿǻ
ǬǻǾو ÛɃدǻ Ȟǻ dzرƨǻ ربRōǻو ǻǻǻDZ أو Ƀدǻ Ȟǻ dzرƨǻ ربRōǻو ǻǻǻ ǻǻɀ عاɁ ǻǻعل
.ǧɀǻǻ ȷɀ من 270 وǻǥدţ 1/442 ǥدţ علǻ ǾǻǬ وما Ęɀ ÛǻǻعǢ ȴDZǻǻ ÂDZǻǻ ǢÊǻ

[108] ǻǥǻ ÛǻǼ Û10ǯ Î 349.
[109] عǻد قاǻدة ǿعɀد ǥ Ûǻ مر 3DZ ǻlǻ ÛĘ Ûǯ1 Î 517-518.
[110] د. ǻǻǻ ǯǻ ÛǻǻǾ ǻǐ ǫ وǻǻكرǻ ǥǻ Ž ȷɀ قاǻ ǿ وقاǻ ǿ ǻǻ ÛƲǻƳ مر 3DZ ǻlǻ ÛĘ Ûǯ1 Î 364.

مدى lŏ ǟاوlθ ɭǖ ǥدţ Ž ȤÊȞ ǟǽ ȼǖ ȝDzȒţ Ž رDzTǟ ǟlɆèو ȼlȾȞèǟ Ž Ɠǵ و ل

øرȒǟ ǟØȽ ǟǟq ɄȓلقاǞ lȽ أمر ȝ ترɀ أ ɭ ǥأlȾ Ęȝ ȼǖ ǟDzوÂl ǟرȓ ǢĒ يl η رȚأشا ǟȞǿ ɉǟ

أ ɭ ǟDzوÂl ǟɀƵ» :ǥرè ɉǟ ɭɀɭ من 3/53 ǥدlţ ȼعل ǨÔ ما Ęɀو øرȒl ĘȾlÛǟ Ęǵ lȚlÛ

«رȚأشا ǟȞǿأ ǟɀ ȝDzȒţ Ž رDzTǟ : ǟلتاǟ باlèq ĘȾlÛǟ ǢlÛ

وعلȼ كنɛ ǟɀǟ أ ɭ Ęǵ ǢديǟǟĘ ǵ أروţ أروȓ و ɀȓǟȔ وĘɀ أèباl دTدوǥÛ ɭǖ

ما ǟǖ ÛlŏȓɀȒţǟ دودΣǟ عن ĘΣǟ ǟØȽ دȝ ɍ Ɠǵ ȤÊȞǟ أدɲ مقǟ ʡيǟ ȼǖ ȼèlأ Ǩاę

ĘΣ Ì ǵlɀ øرȓ ȼعل Ǣترت ɭǖ ɃدlţǟȻølȞه Ž ǒɀè ĘΣǟ ǟØȽ ȯlȾȞèǟ Ž ǯوÂǟ ȤÊȞ Ǩǭ

دÔę БǕ رȚالǟ Ǭو ǺǟØǟ ølȞţǟ Ęɀ أو و Ûرlأ DzTǟ ǥمدى ǟاوlθ أو dzƎţǟ ربȒǟ عن ȽDzl ǟDzوÂǟ

БǕ رȚالǟ Ǭو ǒǟØيqǟ أو ȳتقاqǟ دÔę БǕ ǢديǟǟĘ دÔę عن داlǵ ɭǖ ĘΣǟ ȼlȾȞèǟ من ǯوÂǟ

БǕ رDzTǟو ǴÔǟ لǵ مروlθ ǟا ɭǖ ǟɀȊǟ ǯȸȞ ǥدوǂǟ لǵرţǟ ǟاوlθ ɭǖ كǯ ɀǵ ɉǟ ęرǟه

ȼlȾȞèǟ Ž ǯوÂǟ من ȤÊȞǟ Ǩǭ ما ǟǖ Ûالتقديريةǟ ɄȓلقاǞ ǟÛlè Ęɀو Ǭو ǥمباشر و lربȒǟ

.ǟǜ ومدǟ ǟǜlDZ ǟǜوǘÊه Âمركة Ž Ɠǥلأو ǟǵlǟqǟ ǟȦǟ ȼlȞ عن Ǜǟè ĘΣǟ ǟØȽ

[illegible]
[illegible]
[illegible]
[illegible]

- [illegible]: [illegible] مرحلة [illegible] ومن [illegible]
وأ[illegible] ولكن [illegible] و[illegible]
.[illegible][111]

[illegible]: [illegible].[112]

أو [illegible] من مادي [illegible] أو [illegible] أو
[illegible].[113]

وعد عر[illegible] 48 [illegible]: «[illegible]
عقد [illegible] ويت[illegible] أو [illegible] من [illegible] أو [illegible] ممدود ما وعد [illegible]
[illegible] 53 و 54 من [illegible]»

- ثانيا: [illegible]: [illegible] من [illegible] من [illegible] شرعة من
[illegible] وعد [illegible] كار [illegible]
علد عام[illegible][114] [illegible] عدد [illegible] من [illegible] وعد [illegible]
[illegible] علل وأ[illegible] ترت[illegible].

تقد يكر[illegible]: كما [illegible] عل[illegible] أو [illegible]
علد [illegible]. ويكر مكروه: كما [illegible] كار [illegible] ويبر[illegible] و[illegible]
[illegible] عن [illegible] و[illegible]. ويكر [illegible]: كما [illegible] علل أ [illegible]
[illegible] من [illegible] أو [illegible]. ويكر مادوها ومنا[illegible]: [illegible]

[111] [illegible] مرحلة [illegible] ص 514-515.
[112] [illegible] ص 233.
[113] د. [illegible] شرح [illegible] ص 208.
[114] [illegible] القدين [illegible] 1993 [illegible] ص 2.

dzlكاÂöä ŏlقاGæ äǂDZوÂöä ǿرȒïö lȒيأ ǼHïÊ يlŁ كاÛȻدAعǧ رŁتèå ǯö ÿåرΣå Ž ţǯǫǯöä l7Aه 8lȜ
.[115]ȻKɖ أو ȼȒ8Gö

- lǰلl: ȼȹɜʂرÎه ŌIJå:

- هȸ الÕرǓن: ȼöǯǫ :БlǨï[áŸÛll مرlǩالأȠمساةǕ ǾʂرعȠ 8ʂ Ǵسرǩ أĢاسانǵ] Û[116]
- وȼöǯǫ: أيlȒ:[ʌ _ l7ǹ التĒl ǒáالأ ùÎǾlO ȴǕالفسŏǔ لعدǎȸǚÛɸǯŏدʞ الǾlɧlǭǗʂ ǯIالعدǥ] Û[117]
- وȼöǯǫ: أيlȒ:[ǚ dzlالDZ ɉlȸÒȴ نǓ ùÎǾlO ȴǕالقسŏǔ ما B ǨlǕʠǯادʞ] .[118]
- هȸʂ السنة: ȼöǯǫ ȹlö ! å عȼIIe و ȴlè: ((ǽ8ÛȒ ΣŸÒ ǓБ !l ÛllŸá))[119] وǫد ǪGǩ Ǩǯ lŁ
ǾŁوȻ عŁروå ǿȑȹ !å عȼA أʃ ǿèǯò !å عȼIIe و ȴlè كاʃ ùĻE ǵAÔä Ż ǾâDZǩHl7[120].

- ǿǻǽl: Ǵ0ȹمة ǩÎرʌȜ ÛllŸá:

B يرÎ ţرÎ ţǯБ Âعȼ وDZJ ÂöâوǯǼ ʄǓ ţlقاɒ ǾlÉ أȹǭ ǿlǂ ÔȹرȹأوȼGǂلā أǽl7 قاʄ ǫŏlقاäǂ ÂöÂوDZǨ
ŏlقاتǎǭǶ شرعلŁ ȴl7ŢAȝ lLT ȴنĒlد Ûه ȴlǕ وǯيد ȸǕ ȴǓ Û6ȹ ÎlŏǕʂ رǥ قاHǵ لǯفرŁ ǚŏlLǂ كتǯʃ ĹȒر
ترȸǂǕ ÛǽA ǵǯǿ تقǯȳ ʔعاوشاǰȷ ǭرȳǭǽ ǳǭäǫǯǫǷال ǿKɖ ʃأ ŁǾǼ ŦلقاȶǎȻ ʄ قاHتǑǖ وǫǯد
تÔباكΣȝǽǹ ǫǂǽوǯȸǕ ǭ ȴl ǵ ʂيǭǓtlȴ هǭǨȸȹ ǿǂÎ رȲ ǯǻHïǯ كاǂÔǯȸǽ قاÎلǹŏ ǿǂǨǭ أ ǂوكاȴǨ ǭǼKǭ ǭÛHǿŁ
وǯǭǿǽ ȜD8ǽ ǽǭGÛHǽ ǭʌǭلل رÎية ǂÂوǨK . زقد Ȝȝǫ Ł Ŏl7 ǿǯAǫ ǽ7ǭŁ ǭǽȸǼ تينǵGl اعŦĕǵŸá وتاǭǿǯ
ǕlÔǭǿǶ ǂǿǭǵ ǂǵ ǭلǭ ǂÛǭ ǭ ǶلÔǭŁǭǵ ǂǂ قاǨǽ ما ǽÛ ǂǭÔǭ ǵرù ǵJ ǵǿǭ ǭǿÛ ǽ ǭǂ Ǹ ǫǭÛǵ ǿǵ
أو ǵǭȳ ǽǭÛǭǭ ǵǭHǭÔǭ ǭǽ ǵ ǭÛǭ ǭǵ ǭǭǭ ǭÛǵǿ ǭ ǭǵ ǭÔǭǭ ǭǵ ǭمن Î ǵ ǭǭǭ
وǭ Îروǿ ǭΣادǭة.

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[115] د. وǭǭǵ مرǵ ǵǵǭ ǵǭ7 Î 363-362.

[116] ǭǭ ǭقرǭǭية 229.

[117] ǭǭ ǭǭǭية1.

[118] ǭǭ ǭقرǭǭية236.

[119] ǭǵǭ ǭǭ دǭودǭ كتاب ǭǭ ǭاب Ž كرǭǭ ǭǭ ǭǭدǭ ǭǭǭ 2178Û 2Ǯ Û Î 261.

[120] ǭǵǭ ǭǭǭ كتاب ǭǭ ǭاب ǭǭǭǭرǭ 6ǮÛ Î 213.

ɔlǯا ǼŁlÛţl

ǼĒƓ ƘȢǣ ȧƳÛǱl

ȧƳÛöä وا كان ǫقا ǳǣ Ƨǰ ƹ ƹ ǻǫ ¢ Ʋǧ مقǳ Û¢ǣlĠèüæ وǾ Õöæ ǹl ƹ يȒر وŰƞ ȁæ

ȧǻǰƒöä أو يǿƊĒ ǒǰ ƂǻȷȞƸ ÛlȢǿǳ ÈǴǿ ǰǮ ǫ ƷÂǾوƷǳ أن يĶƐ ȧƳÛöä ƸȢǮ شاǾ ǒ وǽ Ɓǐ ǻƘ Ûدǻǿ ǐ ȭقد

ǳǽƐ ȧƳÛöä Ž ǳ¢يقاعƞ ǳǿǣقǤ ǳǫ ƹ ƷƐ ǳǿ عن ǳǭ Ʒمة وǫǤ ǳǂÔ من ǭ ǾǩرǼ ¢ǡ ǓŁ:

- أن يكون ƞيقاţ ȧƳÛöä يدعǼĒȆ ǿǭƞ وǽ ¢ǳǿǰǵ.
- أن يǿ ¢ǵƐ Ž ǫǰǫȷ ǹǿǭǴ ƷÂǾو ǰǳƐ ǳƊǮǭ ȡƂ ǵƊl ǳǿ ¢.
- أن يكون ȧƳÛöä أكثر من ǹǮلقة ǮǩǰǭǴ[121].

وŁƐǳ ǳǿǣǣقǤ يرǳƐ ƸȢǫ ǹƞǭ ǳƸǠǰ ǯƷƐǵƐ ȧƳÛöä وǭǰǫǿǣ ǹƐƞ ǭ ¢ƠǭǠǤ ȁǳŻ ƹ ȷƸǫ ǹǰƞ ǳǿǣǣ ǫǳǠ ǳǭǰǫȀǰ ǫǳ

وأيǯǳ ǰǱ ǵǯǰǂǳ عقد ǳǭǫ ǯƷƹ وǰǫǤƷǭ يǳƐǼĒ ǫƹ ǹ ǫƐƠǫǳ ǾǳǳǿǣǾ ǫȝدين ǳƐǵǰǽǴ ǰǳǮǿدǹ وǫكن ǳǿǮ من ǹ ǫǳǫ ǵǫǠǳǿ ǳǫǿǭ ǫǳǳǫǴǿ ǫǰǳǳǿǳ ǹ ǰǲ ǫǳǳǫǳ تكن ǳǳ ǳǿǮ ǿǳǭǳ ǫǳǠǰ ǹǯ ǫǠǹǰǫ. ǹ[122] ǳǫǳ ǰǳǳǿ ǳǳǳ ǳǳǿ من ǳƳǰǳ ǳǳǳǰǳ

من ǳǿǯ ǳǰǳ وǳǳǳ وǳǳǳ ǰǳǿ ǳǳǳيقاع ǳǳǳ يترǳǳǳ ǳعǳǳǳ

- ǳǳǳ: ما ǳǳǳ ǳǳ ǳǳǳ ȧƳÛǱl:

ǳǳǳ ما ǳǳǳ مǳǳ ǳǳǳ ȧƳÛöä ǳǳǳ ǳǳ ǳǳǳ ǳǳǳ من ǳǳǳ ǳǳǳ أو ǳǳǳ يدعǳ ǳǳǳ

ǳǳ ȧƳÛöä يقǳ مǳ ǳǳǳ ǳǳǳ ǳǳǳ عǳǳ ǳǳǳ ǳǳǳ ǳǳ ȧƳÛöä ǳǳǳ ǳǳǳ يدعǳ ǳǳǳ ƹ

ǳǳǳ شرǳǳ[123] وǳǳǳ ǳǳ ǳǳǳ ǳǳ تكون تقديرية أو ǳǳǳ ǳǳǳ ƹ ǳǳǳ ǳǳǳ ǳǳǳ Ž

ǳǳǳ ǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ومǳǳ من ǳǳǳ ǳǳǳ ǳǳ[124].

وعǳǳ ǳǳ ǳǳǳ ȧƳÛöä من ǳǳǳ من ǳǳǳ وƹ ǳǳǳ يǳǳ من ǳǳǳ ǳǳǳ وǳǳǳ

عǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ تقد ǳǳǳ ǳǳǳ ǳǳ يǳǳ ǳǳǳ[125] وǳǳǳ ǳǳǳ كان ȧƳÛöä من

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[121] أǳǳ: ǳǳǳ ǳǳǳ ǳǳǳ ǳ2ǳ ǳ 361.

[122] أǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ ǳ 284.

[123] ǳǳǳ ǳǳدين شǳǳ مرǳǳ ǳǳǳ ǳ 383.

[124] د. وǳǳ ǳǳǳ مرǳǳ ǳǳǳ ǳ7ǳ ǳ 401.

[125] ǳǳǳ: ǳǳ ما يدǳǳ ǳǳǳ من ماǳ أو ǳǳ أو متاǳ ǳǳǳ ǳǳǳ عǳǳلقة ǳǳǳ ǳǳ وǳǳكرǳǳǳ ǳǳǳ ǳǳǳ ǳǳǳ وǳǳ عǳǳǳ وتقديرǳ ǳǳǳ ǳǳ ǳǳǳ ǳǳǳ ǳǳǳ مرǳǳ ǳǳǳ ǳ1ǳ ǳ 380.

[illegible] عد [illegible] و[126] [illegible] و [illegible] عد [illegible]: [illegible]
[illegible] ما [illegible] الفسا [illegible] [illegible]
[illegible] [[illegible]] و[127] [illegible]: [illegible] [illegible]
.[128] [illegible]

- ثانيا: [illegible] هري [illegible]:

فقد [illegible] و [illegible] 52 من [illegible] [illegible]
[illegible] 1 و 2: «[illegible] [illegible]
[illegible] و يكن [illegible] كا [illegible]. و[illegible] عن [illegible] [illegible]
و [illegible] يقد [illegible] مكن [illegible] و[illegible]».
[illegible] وتكا [illegible] متروة [illegible] تقديرية [illegible] و[illegible]
ما [illegible] من [illegible] [illegible]
[illegible] من [illegible] تقديرية[129].
وعل [illegible] و [illegible] كا [illegible] دور [illegible]
[illegible] و أ [illegible] علا [illegible] [illegible]
ود [illegible] عادة متروة تقدير [illegible] تقديرية وقا [illegible] [130].
وقد [illegible] علا [illegible] ما [illegible] دور [illegible]
كتة [illegible] عن [illegible] عن [illegible] [illegible]
[illegible] تقر [illegible] [illegible]
[illegible] عن [illegible] و [illegible] [illegible]

[126] [illegible] 100.
[127] [illegible] 236.
[128] [illegible] 241.
[129] [illegible] 1969/05/29 [illegible] 75 [illegible] عن [illegible] 1969.
[130] [illegible] مرا [illegible] 235.

ʔȒę ɃØöä øȁقرöä Ȑقäݐ ǢĐǷǷݫÊ ۑ Ȭöøöو Ûäݎ ݏݕè qä äȞۥ ݎȊöä ÿاكǵɉ ۥȩ ȓ Ǝ ݫȞ ۑ أ ǀݣȶä äØȽ
.[131] ȐǷݫȞ ۥ ݛك ȓ Ǘ ɳǀݣ Ʒ ǷƷ ɳǀݣ ماƃ lТ ɭèݙ ݫȞäمتة ݑ دو ǷƷ ɳǀݣ مة äݪÛȶä اللقة äǷو Âݪö

أما Ž ǵݙ ݔöǵ Ȟ ÊȤ Ƶ Âö ƺو Ž ݥۥȩ ݏǗ ɉǗǷ ݪÛȶö اللقة ǵ ۥǀȞ Ž äȶݫ Ȟ ǀȓȒǗ ƃǗ äȞǷ ݫȞöä Ȑ

ʔعلا ȒöǷ ø ɃØöä Ʃ ǀقةȞ ǷǷäö ȞǗ ÊȤ Ƶ Âö وǮǗÛ äØȽ ما ݘ Ȓ Ě ǵ Ȑ ۥǮ ȶ Ž ݗ ݒ öäȞ ǀݓ ǀقة ݥ ǀۥȞ من ɉä ǵǀȞ ÿ

ȊöȞ ǀ عة رأ ɉ ǷÂǀö اللقة ۥÛȶä اللقة ȩ ݑ ݕ Ƶ ǀȞ ÊȤ Ȟ Âۥ اللقة Ǘ ǀڅوÛ عدو Âݐ ǀقة ۥǗ ƵǀöÛ Âݐ ǀقة متة Ȟ ä Û وكȬöØ ݫȞöä ǷȒ

ä ɃØ ۥǮ ǷǀكƷ ɭ ݘ من lТ ǷǀǷ öä Ûöä ɑݕ Ȟ ݫȞöä Ê Â ƟÛ ۥȞ ݐ ǷǀݐوɃ ȽعلǀǷ ɭ Ʃ ǀكا ǀǷ ۥ ǀك ƠدȲ ǀعلۥ ȶǀǷ Ƞ ÿǷ ǀك ǀǷ ۥۥ

وقȒ öۥø Ȓ ǀقة ǷǷÊ ǀǷ ۥȶ ǀȞǀ ǷǀØ ǀ ÿاكǵ ۥǀ Ʃ ǀ ۥ ǀǀȒ Ȟ öä. تد ۥ ȓ Ƞ öۥ ɃǀǷ Ž اللقة ۥȶ ä ȚǀÔö

.[132] ȞǀÊ Ȟ ȞǀǷ ÊȤ Ȟ Ȟ ä ݕ Ûöä مقال ɂÂ دǷقةÂöä من ǀÂǀ ǀ ɭǀ مة ǷǷÂۥ ǀƠۥ مة ɃØöä

وعلǀǷ Ȟ ۥȶ ۥǮȶ Ȟ Ȟ Ǘ Ǻ ɃǀǷÂƨ ǀ ǀȒ ä Ǘ ɭ ǀǷǀ ۥȞ Ȟ Ǎä اللقة دو ɉ è ǀƝ مة ǀȞ ǷǀȞ ǀ

يكرǷ ǀ Ǌ ǀȞ Ê مة ǀǷ ۥǷ ǀ Ȟ ÊȤ Ȟ Ž èǀ Ȟ ǀȶ ö Âöƺ و Ǳ ǵ Ě ɑݕ ÛöۥÛ ǵ ǀǀ Ɋ ɉ ǀ Ǘ ǀǀ ǀ ۥ ÊǀƝ Ǎ ȶ Ȓ ǀ ۥǷ ǀو

قيقاعǀǷ Ȟ ݫ Ǝ ۥ ǀ ۥ ǀ ǀǷȒ ǀ ǀ وǷ ǀǷ مدة أ ÊȞ ǀمن ǀ ǀ Ûöä ǀ ǀ ÛǀǷ ɃØöä يقȒ Ƞ ǀ ɉ Ȟ ǀ Ȟ ǀǷ Ơ ǀ ǀǷ ǀ Ƙ

مȊ ǀروǷ ȶ ǀ Ȅ دȎ ǀ يقȎ ǀ è Ǘ ʔ ǀ ǀ Ȓ ǀ ǀ ǀ Ǘ ǀ ǀ [133] وǀ ǀ ǀ ǀ Ǌ ǀ ǀ Ȟ Ê Ƶ Ž ǀ ۥ ǀ ǀ ǀ Ʒ ɃØöä

يتدǀ ǀ ǀ ǀ ȎǷ ǀǷ وǷ ǀ Ʒ Ž ǀǷ ǀ Ǌ ǀ يقاǀ Ǘ من Ƙ ما è ǀƝ ǵوǷ ǀ ǀ Ȟ Ǝ ۥ ǀرية علاʔ

دȎ ǀ ȒöǷ ǀ وǀ ʔ ǀ ǀ يǀ ǀ ǀ ǀ علǀ ǀ ǀ ǀǷ Ž تقديرǀ ǀ ǀ ǀ ǀ ǀ ǀ ǀ ǀ ǀ و ɭ ǀǷ

.lТ ȐǷݫȞ ǀ ǀ

كǀ ǀ ǀ ǀ I ɭǀ ǀ ǀ Ȟ ǀ Ȑ علاʔ وǷ Ě ǀقاعدǀ Ǳ ǀ ǀ ǀ رعة " ǀ ǀ Ȓ ǀ و ǀ ǀ Ȓ ǀ " ǀ وȬ

ǵ ǀ ǀ ترة ǀ ǀ ǀ مة Ǐ Ě ǀ رية Ž تقدير ǀ ǀ Ȟ Ȑ عن ǀ ǀ ǀ Ǳ Ě ǀ ǀ ǀ ǀ ǀ Ȟ ǀ ä Ǘ ǀ Ȟ ǀ

.Ʒ وÂǀ ǀ ǀ ǀ ǀ و ǀ ǀ ǀ ǀ يتǀ ǀ ǀ ǀ Ȟ ǀ

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[131] ǀ ǀ ǀ ǀ ǀ ǀ ǀ ǀ ǀ 8 أبريل 1985 Û ماǷ ɭ 35912 Û .د ǀ ǀ ǀ ǀ Ʒ ǀ ǀ Û ǀ Ʒ Û
234 Ȋ

[132] ǀ ǀ ǀ ǀ ǀ ǀ ǀ ǀ ǀ 7 أبريل 1986 Û ماǷ ɭ 41560 Û .د ǀ ǀ ǀ ǀ ǀ ǀ مرǷ
.77 Ȋ Û ǀ

[133] .د ǀ ǀ ǀ Ʒ ǀ ǀ Û .238 Ȋ

ǬǀǴǀǀ Ǽǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀǀ

ǧǻţǀ ôمر Ž áƳÛǀǀ

- Ǻşǘǀ: ǧǻţǀ ôرη ǻǀصǀǀ:

ǻţǀ مرȒ ôǻǀ ǧǻţǀ ǻǀ من مرô ǀǀǀ ǀǀǀ ǀǀǀ من ǀǀǀامة ǀǀǀ ǀǀǀ ǀǀǀ ويكǻǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ Ž Ǽǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǧǻǀ ǀǀǀ ǀǀǀ ǀǀǀ[134] وǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǧǻţǀ ǀǀǀ ǀǀǀ ǀǀǀ Ûôǀǀ وعǀǀǀ ǀǀǀ مر ô ǧǻţǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǧǻţǀ وǀǀǀ ǀǀǀ ǀǀǀ من ǀǀǀ .ǧǀǀǀǀǀ

وعǀǀǀ ǀǀǀ مر ô ǧǻţǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ما ǀǀǀ ǀǀǀ ǀǀǀ أمرǀ ǀǀǀ:

- أǀ يكǻǀ مرǀǀǀ ǀǀǀ ǧǻţǀ ǀǀǀ.
- أǀ ǻǻǧ ǀǀǀ ǀǀǀ ǀǀǀ متǀ ǀǀǀ ǀǀǀ.[135]

وǀǀǀ ǀǀǀ أكاǀ مر ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ عادǀ ويǀǀǀ ǀǀǀ ǀǀǀ ǧǻţǀ كامرǀ ǀǀǀ ǀǀǀ Ž ǀǀǀ ǀǀǀ ǀǀǀ ويǀǀǀ ǀǀǀ مر ô ǧǻţǀ ǀǀǀ من ǀǀǀ ǀǀǀ ǀǀǀ أو ǀǀǀ ǀǀǀ أو ǀǀǀ[136] وǀǀǀ ǀǀǀ Ž ǀǀǀ ǀǀǀ من ǀǀǀ ǀǀǀ ترǀ ǀǀǀ ǀǀǀ وǀǀǀ ǀǀǀ ǀǀǀ ǧǻţǀ.

ǀǀǀ وǀǀǀ عرǀ ǀǀǀ ǀǀǀ مر ô ǧǻţǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ كاǀ ǀǀǀ ǀǀǀ ǧǻţǀ وǀǀǀ يǀقد وعǀǀǀ ǀǀǀ[137].

- ǀانيا: ما ǀǀǀ ǀǀǀ ǀǀǀ Ž áƳÛǀǀ مر ô ǧǻţǀ:

ǀǀǀ ǀǀǀ علǀ أǀ ǀǀǀ مر ô ǧǻţǀ ǀǀǀ ǀǀǀ وǀǀǀ Ž مر ǀǀǀ وما من ǧ ǀǀǀ ôǀǀǀ ǀǀǀ يقǀ ǀǀǀ ǀǀǀ[138] ǀǀǀ ǀǀǀ ǀǀǀ كاǀ ǀǀǀ أو ǀǀǀ وǀǀǀ كǻǀ ǀǀǀ ǀǀǀ وǀǀǀ ǀǀǀ ترǀ ǀǀǀ ǀǀǀ ǀǀǀ كǀǀ ǀǀǀ علǀ أǀ ǀǀǀلقة ترǀ من وǀǀǀ ǀǀǀ

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[134] ǀǀǀ عاǀدينǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ 383.

[135] أǀǀ ǀǀǀ ǀǀǀ ǀǀǀ وǀريǀ ǀǀǀ Ž ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ 314.

[136] أǀǀ ǀǀǀ ǀǀǀ ǀǀǀ 316.

[137] ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ ǀǀǀ 1984ǀ ماǀ ǀǀǀ 33719 د. ǀǀǀ ǀǀǀ Ž شرǀ ǀǀǀ ǀǀǀ مرǀǀǀ ǀǀǀ ǀǀǀ 5ǀǀǀ 244.

[138] ǀǀǀ ǀǀǀ ǀǀǀ مرǀǀǀ ǀǀǀ 233.

كان ǗǢƲ ǫƾǙ ǢƲǴǳ وما ǦǷ Ž عدȂ من مرȉ ǷȎ ǟȀǚȂ ǢƲǴǳ ǷƵǷƷ ƲǦƳǶǲ ǢƲǍǣ ǫǺǚ Ž ƺǢƲǴƴǟ ǝǺ
ǢƲǴǳ Ž ȂǾ مرɀ ȋǺȃ ǟȄƷ ǢƳƲǺ وما ǦǷ مǷƵ ǢǞǴǲ ǞǴƲǦƷǚ ǝǢǳƲǴǲ ǝǢ ǞƳƵǳǢ ǟƲǳǴǲ وǝǢ
.ǢƲǳǺ ǝǢƳǴǲ

- الرǛي ǥǚǯ: ǧǺǢǷǠ ǢƲǤǫǮ ƵǺǶǴ.

وǬǯ ǢǲƵƾǷ ǬǙǮƵƾǲ ǢǲƵǺ ǟȀǯǾǢ ǡǷ أȁ من ǢƲǴǳ مرǛȂ Ž مرȉ ǷȎ ǟȀǚȂ ǢƲǵǺ تر ȁǢ
ȃǴǢǵƲ ǬǙǮƵƾǲ يǢǯǷ ǢǫǯȂ "ȁƿȁ : كل ǝǺȄƷ ǢǢǳ عقل Ǣǿǳ ǫǷ عرب ǢǢǶǿǢ ǢǭǺǳ ǢǳȄ
ǢǥǳǴƲ كان ǥƾǲǢ مرȃǸ أو ǬƾǾƳ ǢǢƾǢ مرȋǷ ǢƲǞǲ ǟȀǚȂ أو تǢƵǳǢ ǢǶǯǺ ǡǷ ǢǞǡ ǢƳǢ من ǥǺǶǲǲ
ǢǤǨǶǯ أو ǢǬǳǢ ǢǬǷǢǲ ǮǶǯ ǢǶǴǢǷƲ ǢǫǳǵǺ عن ǟǢǳǢ Ž ǢǶǴǢǷƲ ǮǲǺǚǢ ǬǾǳƲǢ Ž ǬǣǮ وǴǿǯǶǯ
ǦǯǳǲǢ وعد [139] "ǢǾǭǯǶǳǲǢ Ǣǵǳ ǢǬǮǷ كل ǢǯǳǢ ǢǲǾǲǲ ǢǲǶǳ ǢǳƲǳǴ ǢǳǮǵǳǴǢ ǢƲǳ Ǣǳ
ǢǲǭǺǳ ǞǷǿǲ ǬǙǮƵƾǲ ǢǴǢǵƲ! ǢǺǮƵǯ ǢǳǴǢǷƲ! ǢǯǲƵǴ ǟȀǯǾǢ ǡǯǴǶǦ ǢǳǵǶǳǢ ǢǶǵǶǳǲ ǢǭǺǳ
ǢǶǵǶǳǲ أǢ ǢǶǴǢǷƲ ǬǵǺ عن ǢƳǲǯǳ ǢǮǵǢǶǯǲ ǢǬǯǶǤǢǳ ƲǬǷǳǳ ǦǯǹǺǳ Ž عدȂ ǢǯǷǳǴ ǢǶǴǢǷƲ:
"ǢǳǴ عǳǲ ǢǷǶǵǲǢ ǢǴ ǞǷ ǢǮƵǯǲǢ ǭǢǢ ǲƾǴǢ! ǢǲǵƲ ǢǬǦ ǢǭǾƳǳǢ ǢǶǳǬǲ Ž ǦǷ ما ǢǬǳƵ Ž
عدȂ ǢǳǮǯ ǬǺǮǳ ǢǶǵƲ! ǦǶƲ ǢǵƾǷ ǬǷǳǴǢ: أما أنا ǯǢ ǷǶǳ أǢ تر ǢǢǮǯǴǢ"[140]. وعد
ǢǫǳǾ ǢǲǵƲǬ مǢǵǢǬ مر ȂǾ Ž ǢǬǳƵǳǴ ǢǶǵǲ ǢǵǶǬ ǢǲǵǴǬǷǲ ǢƳǢǬ ǢǾǷǳ ǢǭƲǴǮƾǢ ǬǷǯǳǢ
ǡǮǮ ǢǶǴǢǲǢ ǢǬǵǲǳ ǢǲƵǳǳ ǬǴǬǢǲǢ من ǢǬǶǳǢ ǢǬǶǮǳ ǢǬǴǳǢ ǢǲǶǵǲǢ ǢǶǳ ǢǬǶǳǢ ǡǮǮ
و ǟǢǵǮ[141].

وǢǶ يدǢ على ǢǲǶǴ ǬǷǵǲǢ ǢǵǬǳǶǲ ǮǵǢǢ ǢǲǶǷ ǢǮǮ ǭǢǵǢǢ ما يǢǲ:

- ǟǢǵǢ ǢǳǮ ǲǾǮǳǢ ǢǶǵǢǶǳǲ على ǢǳǴǢǲǳǲ ǬǮ ǢǳǮ ǢǮǶǲǳǢ ǢǳǲǢǲǳ ǢǮǵǲǮǳǢ: ǢǮǲ [**ǢǫǮǲǮ ǢǳǳǲǢǲǮ ǢǶǲǳǶǳǲ ǢǴǮǬǢ ǢǳǮǷǳǢ ǢǶǲ ǢǶǲ ǢǬǶǮǲǢ ǢǶǵǳǢ ǢǶǮǳǢ ǢǵǮǢ ǢǳǷǢ ǢǷǲǳǢ ǢǳǮǳǢ ǢǶǳǢ**] [142].
- ǢǮǵǲǴ ǬǵǢǳǲ ǢǬǳǲǢ ǢǵǲǢǢ ما ǦǷ ǢǬǳǮǳ ǢǬǶǳǳ Ž ǢǮǮǢ ǢǲǮǵǢ.
- ǢǲǷ ǢǬǮ ǢǳǵǷ أǢ ǢǵǶǢǶǳǢ ǢǬǳǢ ǢǶǳǳǳ ǢǮǶǳǳǢ: ǢǲǳǮ [**ǢǶǳǢ ǢǵǢǲǳǲ ǢǬ ǢǲǮǢǳǢ ǢǮǵǢ ما ǢǬǢ**] [143] وǢǳǮǢ ǢǶǶǢ ǢǲǳǶǢǳ ǢǲǶǢǳ ǢǳǷǢ أǢ ǢǳǷǢǲǳ أو ǢǳǷǢǲǳǢ أو ǢǶǵǲǳ ǢǲǮǢ

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[139] ǢǮǵǢ ǢǳǮǢ ǢǲǳǮ 254.

[140] ǢǮǵǢ ǢǳǮǢ ǢǲǳǮ 254.

[141] ǢǮǳǮǢǶǲ ǢǶǮǲǢǲǮ وǢǮǳǳǢǲ ǢǲǳǮ 153.

[142] ǢǲǮǳǲ ǢǮǶǳǲ ǢǮǲǮ 234.

[143] ǢǲǮǳǲ ǢǮǶǳǲ ǢǮǲǮ 23.

- الرأي [illegible]

1. [illegible]

[illegible] [146]

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[144] [illegible] 72.

[145] [illegible] 264. [illegible] 233.

[146] [illegible] 85.

- أ ɟ ɍ ي ǴȎ من Ȭǿǽ ɂ ǿ ǵǛ وǓ ɟ ما ǧ مǺǹ ǷǨ مدو.
- أ ɟ يكȥ ǟ ǿ ǵǛ ƥȥǓ ɟ رDZƷ على ǷǨ ǷƸ.
- أ ɟ يكȥ ǻ ǭ Ÿ Ȏ ǻ ǹ ǾǗ ǻ ǳ ǵ ɍ و ǻ ǳǗ ǳ ǳ ك Ȭǿǽ و KǺǸ و ǼȅƷ.[147]

2. الǿȗǳȍ: أǻǸ ترǻ وǿǻ Ǩ ǻ Ȏ ǼǳǓ عدǼǾ ما Ɓ تتوȂ Ʒ ǽǵǷ ǻ Ǎ ǻ ǻ ǼǳǗ ǽ Ž ǳǻ ǳ ǳ
ǳǬ وǲǳ ǻ ȥ ǼǻǸ ǳȒ ع ǿǻ مǻ ǳȥ Ʀǻ Ž ǿ ǵǛ ǳȄǻ ǻ ǵ ǳ ǼȓǛ.[148]
وǿǻ عǷ ǳالدي Ǭ ǳǻ ǿ ǳǽ رɁǻ ǻ ǳɟ عȈ من ǿ ȑ Ǿ ǻ ǻ ! عǺ ǹ ǵǛ ǳȥ Ƙ ǻ وǳǻǻ ǻ ǳȥ مري Ȏ ǳ ǳȥȥǻ ǼǳǗ
عǻɟ ǿ ȑ Ǿ ǻ ! عǺ ǹ ǵǛ مȥ ǿ ǧ من عȥ 8 وǳǻǻ ǻ ǳ عدǼǾ.
وكǼǾ تقد وǿǻȥ ǻ ȥ ǳ ɍ ǳ ǳȥ ǿ ȥ ǿ ȥ ǳ ǳ ǳ من مǼǳǗ ǳ وǲǳ ǻ ǳ ǵ ǳ ɍ يوȂ ǻ ǳǻǻ ǳȥǻ ǳ ǻ ǳ ǳ وǼǾ
ǫ ɟ ǳ ǵǛ ǳȅ ɟ ǳ ǳ ǳ ǳ ǳ ǳ ɟ ǿ ǳ ǳ ǳ ǳ ǳ ǳ ǳ كاǿقاتل ǳǻ ǳ ǻ قتل مȥǻ ǻ ǻǻ ǳȥǻ ǳ ǻ ǻ ǳ
ǼǳǗ ǻ ǻ ǳ ǳ ǳǻ ǳالرما ǻ مǺǹ.[149]
أما تقǳد ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ وǿǻ عدǼǾ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ وǳǻǻ
من ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ عقد ǳ ǳ ǳ ǳ ǳ ǳ ترɍ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ وǳǻǻدǳ.[150]
وكǳǳ ǳ ǳ ǳ ǳ تكȥ ǳ ǳ ǳ عن ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ من ǳ ǳ ǳ ǳ
من مǳ ǳ ǳ ǳ.

3. الǿȗǳȍ: أǻǸ ترǻ مادǻ ǳ Ž عدǳ ǳ ǳ ǳ ǳ عدǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ
من ǳ[151] وǳǻǻ
ɍ عتǳ ǳ ǳ أ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ومǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ Ž ǳ ǳ ǳ
وǳ ǳ: " ǳ ǳ ǳ Ž ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ يقǳ ǳ ǳ ǳ ǳ
ɍ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ أ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ وƁ يدǳ ǳ ɍ عاǳ ǳ ǳ ǳ وǳ ǳ ǳ
يǳ ǳ قدوǳ كǳ ǳ ǳ كار ǳ ǳ ǳ ǳ ǳ وǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ تǳ
وǳ ǳ ǳ رǳ وǳ ǳ ǳ ǳ ɍ يقǳ ǳ ǳ ǳ ǳ ǳ ǳ كار ǳ Ž ǳ ǳ أو Ž

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[147] ǳ ǳ ǳ ǳ ǳ مرǳ ǳ ǳ ǳ ǳ 233.
[148] ǳ ǳ ǳ ǳ ǳ ǳ 219. وǳ ǳ ǳ ǳ عدǳ مرǳ ǳ ǳ ǳ 221.
[149] ǳ ǳ ǳ ǳ 218-219.
[150] ǳ عǳ ǳ ǳ ǳ علǳ ǳ ǳ وعلǳ ǳ ǳ ǳ ǳ من مǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ عǳ: ǳ ǳ ǳ ǳ 1993 ǳ 17 ǳ 267.
[151] ǳ ǳ ǳ ǳ ǳ Ž ǳ ǳ ǳ ǳ ǳ ǳ ǳ ǳ 1991 ǳ 1 ǳ 462.

[illegible] عن [illegible] ! [illegible] وكذ [illegible] مر

وذ [illegible] يترة [illegible]"[152] . وكذ [illegible] عدد [illegible] تتو [illegible]

و [illegible] دو [illegible] مه [illegible] يه [illegible] وو [illegible] ما [illegible] كذ [illegible] تو [illegible][153].

- [illegible]: مر [illegible] مه [illegible] مر [illegible]:

ير [illegible] مه [illegible] مر [illegible] مد [illegible] وع [illegible]

[illegible] شر [illegible] أمر [illegible] شرع [illegible] وذ

[illegible] رما [illegible] من [illegible] وع [illegible] و [illegible] شد [illegible] "و [illegible]

[illegible] و [illegible] ب [illegible] و [illegible] كار [illegible] متر [illegible] يكر [illegible]

مر [illegible] من [illegible] ومن [illegible] يقل [illegible]

[illegible] و [illegible] ب [illegible] مه [illegible]"[154].

وذ [illegible] عا [illegible] يقر [illegible] يتدو [illegible] و [illegible]

[illegible] رو [illegible] مه [illegible] و [illegible]

دو [illegible] من [illegible].

أما [illegible] عتد [illegible]

[illegible] عر [illegible] من [illegible] ر [illegible] عذ [illegible] كا [illegible] و [illegible]

[illegible] و [illegible] امر وترك [illegible] مه [illegible]

[illegible] عدد وت [illegible] مه امام [illegible] و [illegible]

[illegible] رما من [illegible] و [illegible] يق [illegible] تر [illegible]

من [illegible] مه [illegible] يدو [illegible]

[illegible] من [illegible] مرت [illegible] تر [illegible] أما [illegible]

[illegible] و [illegible] ما [illegible] عدد [illegible] مه [illegible]

[illegible] من [illegible] و [illegible] مه. [illegible] مرد [illegible] و [illegible] مه من [illegible] مرع [illegible]

[illegible] أمد [illegible] رو [illegible] ر [illegible] مره [illegible] ر [illegible]

من [illegible] رو [illegible] ما [illegible] مه [illegible] و [illegible]

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[152] [illegible] 155.

[153] [illegible] 156.

[154] [illegible] 86.

Ȭȍǽو ÛǼدÔȩ Ȅكع ǼتترȶǗ ȡȷ ȷ ȷكاز Ûțرو ȊȶǗ Ǩɖ دÔقȍǗ âlȅǏ علي ÿɀيق ȾǾȍǗ ǾǗǾȍǗ
Ž ǇɍقǴ ǧlǤȍǽǗ Ȭȍǽو ǼǨȍ ǾدɊǗ و ÛȧƔÛȍǗ Ž ǴقǴ ǴȍǕȟǻȅlǽ ǼدÔȩ ما ȢƔȠ ĘǕÛȶǗ ǧǗlǄȠ
.ǗǼكȍlȶǗ ȾǏǾ علي ǼǨǾǽ ǨǄوǓتو لǾǗ عدǕ ǨǇȥȍǗ ǂȍو ǴǼم ȡǾǬǗ
وȽǾȍǗ ǾǗǾȍǗ دȆǽ ȷȴȞȍǗ ȷ كاز ȷ ǰو ÛǴȝǂȩǂǽ نȚȍǗ ما كǳر ǗǽǗ ȝȴتȮǗ اد من ȊǗ ǧدlȶ ȴȆǴ ǗǾȽ
ǧǂǦȩو ȧƔÛȍǗ țǂȩǂǽ ȷǂȍǂ يقȴȷǗȷو ǗǽǗȉÔȍǗ ǾǂǇƤ ȷ Ǐ Ǩɖ ÛǗƔǑǏ ȧƔÛȍǗ țǂȩو ÿدǄǽ ɄȒيق
ȾǏ ÛȧƔÛȍǗ دور ǛقǴ ȡǾǬǗ ǂȽ وȧƔÛȍǗ علي ǼتترȶǗ ȡȷ ȷ Ž Ǭعɍǽ ǗعتدوǗ ȴǼǏ ǏǄǹ ÛǇȡǾǛ
ǩȞȡȞǑ ȧƔÛȍǗ ȝȍǽ ÛǴǽ ȡǕǨȶǗ من ǇȍرمǴ ǨȩǂȍǗ ǧǗǽ Ž ǗǑǑȩو ȧƔÛǕ ǗǑǑȩ ȷ كاز ǴȡǏ
ǂȽ دÔȩ ما ȢƔȠ ȡǕǨȶǗ من ǇȍرماǄ țروȊȶǗ Ǩɖ ǼدÔȩ علي ǼȩǄيو ǴتǂǦو ǼدÔȩ ǾǤعتǾ
ǇǂȡǗ țر ȊȍǗ Ž ȷ Ǐ ȯǏ يقاȷ Ǐ ȷ رȆǄي ǴȡȷȐ" :ǴǂقǗȝ شد Ǿǳ ȃ ǗȍǗ ÿǇمȡǗ ǜ ǩǗتدǗȍǗ ǗǾȽ ǦȓȠ وȩد ÛǇǲǾǂت
من ȧƔÛȍǗ ǂدǋت ȠǴ Ǆǽو ȧƔÛȍǗ ÿǇكǴǏ ȒǄǽو ǗǽǗǍوǓȍǗ وأǼع رمن Ȭȍǽ ȯǂقȍǗ ȧرǓǏǽ
كلǴ وǗǾȽ ÛǦÔي ɍ أو يǦÔ ȷ Ǐ ǺǰǴكǤǗ ȢǂȩǂȠم ȧǗǽ يكȷǂ ǗǾȽ ȷ ȷ ǦÔي ɍ أو ǦÔي ȷ Ǐ ǨǑ
.[155]"țرȊȍǗ Ž Ǵǽ ȯǂقǗȍǗ رȆǄي ǇȈ
țروȊȶǗ Ǩɖ دÔقȍǗ ĘǾقǑ دور ǗȍǂǗǾǕ ǂȽ ǧǂȶǗ Ȏ مر Ž ǗقǕÛȶǗ ǬيǾǂتǗ ǴكǤǗ ȷǂǗ ǗǾȍǗ
أو ǗǽǕÔȶǗ Ǩɖ روعةȊȶǗ ǇȍǇǂت ǦȍǗ ȒȠرȶǗ مر Ȏ ǧǂȶǗ ǂȽ ǇȍرمǴ من ȡǾǬÛ وǗǾȽ دȩ ÿǇȩ
ǇȀǗǾǗ علي وǂǼب ǴȍǕǗǽ ǗȒǇǄȶ دÔȩ ȶǾȊȍǗ Ž كل ترǦÔ يرȍǗ Ǵǽ ǗȅǾقا ȒǗǽو ǼǼǽو أو ǇǼǏ
.[156]ǴǕǾ
وعلǴ ȶǇ كاز ȧƔÛȍǗ ǴقǏ ǇǾǂرȊǏ ǴǾȩ ɍ ǴǂǾǗ ǂȆǄȍǗ ǂǴǽ دÔȩ ǇǇǇǧ ǬȍǦǗ ǗقȍǕÛȶǗ
ǴǂكȐ ȧƔÛȍǗ țǂȩǂǽ ǼدÔȩ ȢƔȠ ǴكǤǗ كاز ȷ ǴǽǕ ǴǾ أو ǳوǓȍǗ من ǂȆǄȍǗ ǗǾȽ ǨǦȩ ما ǗǽǗ
كاز ǇǶمǴ ȝȴتȮǗ من ȢرÔȍǗ ǗǾȽ ǗمدعǗ ǗǾȽ وǇǂǼǗ ǗǽǂǗ دǄǽ ǂȍو ǇتǂǦȶǗ ǬيǾǂتǗ ǴكǤو ȝǳ ǴǾ ǗǑǑȩ
.[157]ǂȆǄȍǗ ȚȍرǗية ǇǇǗǽǗ Ž ǾǂÔتي ȷ Ǐ يكن ما ǨÔȩǏ ǗǾȽو ÛǴǾǾǗ ȝǂدǂǗ

- ǾǗǴ: ǂȩǂمǴ țرȊȍǗ ȴ ǗǾȽ مǴ مǴري ǗǴÛȧƔÛȍǗ Ž مر Ȏ ǧǂȶǗ:

يدȍ ǇȈ ǧرǗǂȷ ȷǂȡǗȩ Ž Ǐ ȴǗ ǦǴǽ ǧǂȶǗ Ȏ مر ȒȠرȶǗ ȧƔÛ ȾرǗǽȉǗ țرȊȶǗ ǨلاوǕ ǶيتǏ
ĘǕÛ ما ǗǽǗ ǴȡǏ ȾǏ ÛǾǗǕǗǂǦǗ ǼȽǾȶǗ Ęǂ ǾمȢȅǾǗ ǴقǗȍǗ Ž ǨǦȩ ما علي ǴǄȩ ǴكǤǗ ǇǼǯ ǴȡǏ
ǩǗ ǧǗǂǗǾقǗ ǴȡǏ Ǩɖ ǼǨɖ من ǨǄوǓتو لǾǗ عدǕ ǨȒقǗȧǗ ȷǂȍو ترǴȡ ǇǼǦȍ ǴتǂǦȶ مȠ مر Ž ǴتǄوǗ ǳوǓȍǗ

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[155] ǗقǾȍية ÛǇǇدǗȶǗ Û2ǳ ȴ 86.

[156] د. ǾǂǄȍǗ ÛǗǂǗǾȍǗ ǾرǗية ǂȆǄȍǗ Ž ǗǾǂǗǽȍǗ ÛǗǤȍǗ مرǳǂ ǾÛǗȅǏȍǗ ȴ 184.

[157] د. ǾǂǄȍǗ ÛǗǂǗǾȍǗ ǗرǓȶǗ ǳȊǽ ȃǇǕ علي ȄǇǕ ǗǇǼǏȍǗ.

ȽكΣ̈ å ǿدوȍ ﻟǤȩ ƙǅوÂ̈ö ﻟǵ ﺃ Žȥ̈ ̈ åæǕ» :ȼφأ ʔعل Ȍ/ȁ Ɣ̈ö ȝرȅɉ̈ å ɹȥφȴȩ من 132 ȝدȴȶ̈ å
åǾŁ ȧȥǕ/ﻤ ȯ Ɐ ǹ من ȽȾȦﻳ «ǫǿq̈ å ȴŧȾ/ﻤ ɄΣ̈ å ȨHȉȅ̈ å ȧ ⱯÛ̈ ö ȝعدو Ž ȝȴȥȥ̈ ö Ǩφكا أو ȧⱯÛ̈ öȴæ
ÛȝدȞ̈ ö ǒȴȒﻗﺔφ̈ å ﻟǤȩ ȝȴȥȥ̈ ö ɹȥ تكȥ ɹ̈ üæ Žȥȉȶ̈ å ȴȾǅوȁ من ﻗﺔﻟÛȶ̈ å ǫ̈ åKȶ Ƀرə̈ åÂƨ̈ å ț رÎ ȶ̈ å ﺪɆ تقɆ Ȍ/ȁ̈ ö
كنƸ ȼφǔȥ ÛȻKȡ Ž أو ǧȥȶ̈ å ȏ مر Ž ȼφȥﻜﺔ ȼÔÔƸ Ɓو ȧⱯÛ̈ ö Ž ȳعا Ȍ/ȁ̈ ö ɹأ ǿȴǤعﺔ̈ å ʔوعل
ǧما ɹ Ǖ ǧȥȶ̈ å ȏ مر Ž ȴȾﻗﺔÛﻟﻤ من ﺔǅوÂ̈ ö ǫ̈ åKﻤ ﻓﺘﻘﺔﺪɆɆ Ƀأ ǧȥȶ̈ å ȏ مر Ž ȧⱯÛ̈ ö ʔعل ȼǤHȅ
ȯⱯǹ ȴȾǫ̈ åKɳ ̈ åȥȒȩ ﻳﻦǾ̈ ö ȣȴǵɉ̈ å ȯȥﺔﻘ Ǿǹɉ̈ å ƃǕ ɈﻟƸ ț رÎ ȶ̈ å ɹأ Ƀأ ÛȴȾﻳﺘȴŒ ﻟǤȩ ȴő عدȯⱯǹ
.Ȕﻗﺔȥ ȝدȞ̈ ö

3ّlالرا ǬĦǛĢţl

ةيòǰlال Ž Ȥسعǭll

ȯşɉl ǼlǕţl

lǷلاɿ Ȋǩ ǨـمȯǵȘ lǷلȴǻ ةيòǰlال Ȥɿلاعǩ

- ǷřȘǕ : Ȥɿلاعǩ الǰòية: لغة: من أوǒò ووȷǻǼرǻǘ Ȼǻ ƈlò Bȋ دǷع ǕȼǼǕ وǕǻòǰǼǺǻ ما أوǒò Ǩǜò ǕȼǼ وƧǼǨ وǕǜǻ ǻ lƬlǑǂŗ مرǘǻǻ Ǩǝţǻ. ووǒò ǺǺȊǿ ǺǨ8ǻ وòǕ ǕǻȊlò ǺǨòووǨ Ǻ ǺȊǿǺ ووòlǕȼǻ Ǩǘòǰȅǻ.[158]

lǵǔƱǕòl: ǕǻǰǕǻǕ عـǼǻ ǻ lǷـǺǻ ǺȊ ǚǨ ǚȷlt أوǕǿǼǥDǼǻ ǕǰòȌǻ Ž ماǕǻ ǕǰǼ مǕǻǘ دǻ ǻ[159] أو ǺŁ Ǿ Ǭǘǿl 8lȒمـ Ǩǃ ما دǻǘ ǕǰŢǻ ǻǻȘ Ǻ ريȘ ǻ ǻǻȘ ţ ǰ ƃǻǻ كار ǺǻǞǰ ǿcƧǼl Ǡ دǻǼǻ ǻ مـǼǼǻ.[160]

- ثانياً : ǵǕlȴ ɿم3ǰǯǻǷl: ǕǻǰǕǻǕ مـȊرعة ǖǾ ǨǤǻ من ǥȺ ǶǾǕȊ ǻǻǻقرɿ وǕǻǰǻȆǕǻ ǺŁ وǼمـدوǻǻ علǒ ǻǻعتǥ أǕǼl عقد من عقǰǵ ǻǻǻǑ ţ.

ǼLǺ: ǕǻǰǵǼ ɿ ǻǻǻقرǻ :ǥLǺǼ [Ǽǻǻ ƷǵȴǵǻǺ ǕǽǻǕ ǵǕǻǻǰǻ ǰǻǻǻǵǘ ǻǻǽǕ ǵ ǻ lǴǹ ǰlǒòية للǰlǻǻǻ] و[161] ǺǒǺǻǻ بǰǻǻǻǻ وǻǻǻǻ ǻǼ ǻǻǻǻǻǻǻ Ž ǥǵ من ǻ [Ǻǻǻ ǻǻǻǻǵǻǻ 8şǻǻǻǻ lǵǵ ǻl3 ǻǻǻ ɗǕǻǵl] يرǫ.[162]

وǻǰǻǕ: [ǻǻǻǻǻǻ ǻǻǻǻǻǻ ǻǻǻ ǻǻǻ ɿǻǻ ǵǕǻǵǻǻ ǕǰǻǕ ǻǵ الǰòية].[163]

وǻǰǻǕ عǻ وǼǼǻǻ أيǼǻl: [مـǼ ǻǻǻ ǻǻǻǵǻǻ Ǻǻǻǻǻǻ ǻǻ ǻǻǻǻǻ].[164]

ومن ǕǻǻǻǕ ǕǰǻǕ ǻǻǻ !ǻ علǻ و ǻǻǻ: ((ما ǻǻ امرǕ مسلم ǻǻ ǰǻǻ الراǻǻ أن ǰǻǻǻ ǕǻǕ ǻǻǻǻǻ ليلǻǻǕ

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[158] ǻǻǻǻ ǻǻǻǻ ǻǻǻ ǻǻǻǻ ǻǻǻǻǻǻ ǻ ǻǻǻǻǻ من ǻǻǻ ǻǻ8 ǻǻǻǻǻ ǻǻǻǻǻǻǻ ǻǻǻǻǻ ǻǻǻǻ 8 ǻǻǻǻ :عǻǻ أǻǻ علǻ ǻǻǻǻǻ ǻǻǻ ǻǻǻǻǻǻǻ Ǻ1 Ǻ1993 Ǻ2ǻ Ǻ 742.

[159] ǻǻǻǻǻǻ ǻǻǻǻǻ ǻǻǻǻǻǻ Ǻ7ǻ Ǻ 333.

[160] د. وǻǻ ǻǻǻǻǻǻǻ ǻǻǻǻǻǻ ǻǻǻǻǻǻ ǻ ǻǻǻǻǻǻǻǻ ǻǻǻǻǻ دمǻ ǻǻǻ ǻǻǻǻǻǻ Ǻ1 Ǻ1987 Ǻ 8.

[161] ǻǻǻǻ ǻǻǻǻǻǻǻ ǻǻǻǻǻǻ180.

[162] ǻǻǻǻǻǻǻ Ǻǻ8ǻ Ǻ6ǻ Ǻ 415.

[163] ǻǻǻǻ ǻǻǻǻǻǻǻ ǻǻǻǻǻ106.

[164] ǻǻǻǻ ǻǻǻǻǻǻǻ ǻǻǻǻǻ12.

ǾƑ ʂʂǑǪǻ ǼǑǪǻǋ ǳǼǊǻ ((ʿǻǼǒ[165].

ǻǊǍǭ Ǎǻ ǬǻƓ ǕǾǚ ǈ ǕǾǚ ǸǊǕ ǻ ǊǕǼǉ ǗǟǔǑ ǻǊ ǔǒǚ ǈ ǸǻǍǒ ǈǻ ǍǊǚ ǋ ǻǕǑ ǘǋǍ ǓǗǍǓǚ ǊǑǒǻǼǻǻ Ǎǻ ǕǕǗǍǾǼǓǍǊǕ ǻǍ.

ǕǑǔǼǻǗǓ ǈǊǓǓǍǻ ǼǑǕǈ ǻǍ ǓǻǕǍǊǓ ǊǑǒǻǼǻǻ ǔǻǕǻ.

- ǙǓǻ : ǈǕǻǚǒǊ ǺǊǾǊǈǕǿǻǊ ǋǻ ǻǊʂʂǊǼǕ:

ǻǋǊ ǚǊǍ ǋ ǾǻǾǻ ǼǑǕǈ ǈǾǻǔǻ ǻǍ ǈǕǻǻǊǋ ǈǕǻǔǕ ǔǍǕǚ ǻǍ ǈǊǻǑǕ ǈǊǻǊǔǕ ǈǊǘǾǊǊ ǋ ǻǼǊǼǻ ǈǾǿǻ ǈǕǼǍǕ ǻǍ ǺǊǾǊ ǋǾǍǋ ǻǍ ǈǓǾǕǻ ǈǓǻǊǻǕ ǋǻǕǔǔǕ ǈǊǑǑǻǓǻ ǋǕǾǈǻ ǚǻ ǓǾǻ ǋǊǓǋǻǕ ǻǕǍǻ ǈǊǾǍǻǊǕ ǈǍǻǻǊ ǼǑǕ ǻǊǻǕǾǻ ǼǑǕǈ ǻǻǊǼǕ ǈǕǼǊǻ ǈǕǾǍǻ ǈǕǻǚǓǕǚǓǕ ǈǕǼǕǔǍ ǈǊǻǻǻǕǍ ǻǊǻǊ ǋǾǓǻǕǼǻǕǊ ǈǓǈǍǊǈǕǕǻǻ ǈǕǊǓǍǕ[166]. ǻǋǓǊ ǻǊǋǾǕ ǋǍ ǻǋǾ ǈǊǍǕ ǼǊǻ ǼǑǕǈ ǻǕǚǼǍ ǈǊǋǓǊ ǈǕǾǍǻ ǈǕǕǑǊ ǻǕǍǻǾǓǕǻǕǼǕǼǻǕǾǻǻ ǻǈ ǋǻǕǚǕǼǻǕ ǺǊǾǍ ǓǕǚ ǻǓ ǻǍǻ ǼǑǕǈ ǻǊ ǊǚǊǕ ǈǓǊǼǕǻǊ ǊǓǻ.

ǻǕǾǍǻ ǻǍ ǻǻ ǍǕ ǈǊǾǍǻ ǻǼǕǔǕǚ ǈǕǻǔǾǻǕǊ ǻǓǾǊ ǻǕǾǕǻ ǻǻǊ ǻǓǍǕǚ ǻǍ ǻǼǕǕǈǕǚǓ ǈǻǋǓǕǓǕ ǈǕǍǼǕǔǕǾǻ ǈǻǔǕǼǋǻǻ ǈǕǼǻǕǕ ǻǓǻǕ ǈǕǊǓǍǕ ǈǊǾǊǕǼǕ ǻǍ ǼǑǕǈ ǈǕǕǕǍ ǍǾǊǼǊǕǕǻ ǋǕǼǕǍǻǊǔǕ ǻǚǊǻǕ ǈǕǔǾǕǻǕ ǻǊǍǕ ǻǊǓ ǈǕǻǚǕǻ ǼǑǕǈ ǈǕǊǻǕǾǕ.

- ǼǍǙǓǊ : ǈǕǻǊǕǼǊǊǓ ǈǊǕǾǻǾǕǾǍ ǈǕǑǼǕǓǚǕ:

ǻǋǊ ǻǊǚǕǔǕ ǈǕǻǍǻǓǕ ǈǕǾǍǻ ǼǑǕǈ ǻǓǾǕǼǕ ǈǕǾǊǕǼǕ ǼǑǕǈ ǈǕǻǍǻǕǕǾǚǼǕ ǻǍǕǾ ǼǑǕǈ ǻǕǻǊǾǕǻ ǈǊǚǕǻǍǕ ǈǕǓǾǕ ǈǊǾǻǕǕǈǓǕǊ ǻǾǕǈ ǈǕǾǍǻǕǋǕǼǊǕ ǈǕǾǊǕǕǍǕǻ ǻǚǊǻ ǈǕǻǊǕǕ ǈǕǼǕǓǚǕ «ǈǕǕǾǍǻǕ ǼǕǼ ǈǕǾǍǓǕ ǈǊǚǓǕǕǻǕ ǈǕǻǕǾǕǓǕ 184 ǋǓ ǼǑǕ ǈǓǾ: ǈǓ»ǈǕǾǍǻǕǕǚǕ ǈǕǾǊǕǈǕǕǻ ǈǕǕǍ ǈǕǻǕǾǕ ǋǊǾǍǻǕ ǈǕǾǕǻǚǕǊǻ ǚǓǕǊǕ ǈǕǾǊǕǕ ǈǕǕǊǻǕǕ ǈǕǍǾǕǕ ǈǕǚǕǕǍ ǈǕǓǾǕǊǕǻ ǈǕǾǍǻǕ ǈǕǊǓǊǕǕǍǕ ǈǓ ǈǕǍǓǕǈǕǻǕǍǕǾ ǈǕǕǻǓǾǕǕǻǊǕ ǈǕǊǕǻǕǾǕǕ ǈǕǊǻǕǕǍǻǕ ǈǕǻǊǕǻǕ ǼǑǕǈ ǈǕǚǊǕǕ ǻǍ ǈǕǓǾǕǚ ǈǕǻǕǊǕ ǈǕǚǕǻǓǕ.

ǻǍǊǕǾǕǻǕ ǈǕǓǕǕ ǈǕǾǍǕǚǓǕ ǼǑǕ ǈǓ ǈǕǾǊǕǓǕ ǈǕǼǕǔǕǾǻ ǈǕǾǍǻǕ ǈǕǚǕǕǚ ǼǑǕ ǈǕǚǊǕǕǕ ǈǕǾǍǕǚǓǕ ǈǓǕ ǈǕǻǕǾǊǕǕ ǈǕǻǕǕǍǕǾǻ ǈǕǚǕǕǊǕ ǈǕǾǍǻǕ ǈǕǊǕǕǍ ǻǋǊǕ ǈǕǍǕǻǊǕ ǈǕǚǕǕǕǾǕ ǼǍ ǈǕǕǊǕǕǓ ǈǓ ǈǕǕǊǕǕǕ ǈǓǕǕ ǈǕǾǍǕǻǕ ǈǕǓǕǕǕ ǈǕǕǕǕǕ ǈǕǕǊǕǕǻǕ ǈǕǻǊǕǻǕǚǕ.

[165] ǈǊǚǕǻǕ ǈǕǓǕǕ ǈǕǾǍǻǕ ǈǕǻǚǕǚǕ 1627ǋ 11ǋ ǋ 63.

[166] ǈǕǊǕǕ ǈǕǻǊǕǕǓǕǚ ǈǕǓǕǕǍǕǕ ǋ 11.

ɔǀǯǀ ǼŁǀÛţǀ

ţȘɾȊţǀ يةȍ̀ȤǀǀǾǀȂ̤

ȍقد ȩǼǼǳ ȇȤȍ̀ǄǼȇ ǷȂǭȂقدǾȄ ǼȂǀǯǄǼǀȂǕ ǼǽǾǕ ǀȄ ǸǾȂǕǀ ǀȂȇȂǀǭȤǾǀ ǶȂȂǀǂǼȂȂǀǌȁ ȩǼȂȂǺȂȂǀȁ ǀȂǼǀǬǀǂǶȂǕǀǷǯǀȂ ȇȤȍ̀ǄǼȇ ȂǄȤȂǕ ǀǕ ǯ ǀȂǯǀȂȁ ǀȂǀǼǃȂ ǀ̀ǀȂȁǀǷǯǀǸǀǷ ȬȂȂǀȂ ȃȂȂǀȂ ȂǀȂǀǯǷǀȂ

من ǀǯǀȂȂǀȂ ǯǁǀ ترن ǀǃ ǀǀǕǀȁو Û[167] وȩǯ دن ǀǀǁ ǀǀǀǀ علǀ ǀǀǀȂȂǀǕقدǀȂǀȁ ǀǀȂǀȂǀ ǀȂȂǀǀǀǀ ǃǄǯ ǀȂȂǀ ǀǀǀǀǀǁǀ ȂǀȂǀ ǘǀǀȂ

ȇȤȍ̀ǄǼȇ Ž ǀǀǀقرǀǀ ǀǀǀكǀǀǀ Ž ǀǀǀǀǀ ǀǀǀǀǀ: [ǀǀǀ عد ǀǀǀǀȍ̀ ǀǀǀ ǀǀǀǀǀǀǀ] [168] ǀǀǀǀ ǀǀ ǀǀǀǀ

ǀǀǀǀ ǀǀǀ ǀǀǀ ǀǀ ǀعلǀ و ǀǀǀ عاد ǀǀǀ ǀǀǀ شن ǀǀ وǀǀ ǀ ǀǀǀǀ ǀǀǀǀ :عادǀ ǀǀǀǀ ǀǀǀ ǀǀǀǀ ǀعلǀ و ǀǀǀ علǀ ǀǀǀ ǀǀǀ

ǀǀǀǀǀ من مرǀ ǀ أشǀǀǀ علǀ ǀǀǀǀǀ ǀǀقǀǀ يا :ǀǀǀǀ ǀǀǀ ǀ! : ǀǀ ǀ من ǀǀǀǀǀǀǀ ما ترǀ وأǀǀ ǀǀ وǀ ماǀǀ

وǀ يرǀǀ ǀ ǀǀ ǀǀǀǀ ǀǀ ǀǀǀǀǀǀǀ ǀǀǀǀǀǀǀǀǀǀǀǀ ǀǀǀǀǀǀ ماǀǀǀǀǀǀ ǀǀǀǀǀ :ǀǀǀǀǀ ǀǀǀǀǀǀǀ ǀǀǀǀǀǀǀǀ ǀǀǀ ǀǀǀ

ǀǀǀǀ ǀ ! ǀǀǀ ǀǀ ǀ ǀǀǀ و ǀǀǀ: ((ǀǀǀǀǀǀ ǀǀ سعدǀ ǀǀǀǀǀǀǀ ǀǀǀǀ ǀǀǀ نǀ ǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀǀǀ ǀǀǀ ǀǀ

ǀن ǀǀǀǀǀ ǀالة ǀǀǀǀǀǀ الناǀǀ))[169].

ǀǀǀǀ وǀǀ ǀǀǀǀ ǀǀǀǀǀǀǀǀ ǀǀ ǀǀǀ يكǀǀ تركة ǀǀǀǀ من ǀǀدينǀ ǀ ǀ ǀǀǀ دǀǀ ǀǀدين أوǀǀ ǀǀ وǀǀǀ

ǀǀدين تقدǀ ǀǀǀǀǀǀǀ ǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀǀǀǀ ǀǀǀǀǀǀǀ ǀǀǀǀǀ كاملǀ[170].

وعلǀ ǀǀǀ ǀǀǀ ما ǀǀǀ ǀǀǀǀǀ وǀ ǀǀǀǀǀ ما ǀǀدǀ ǀǀǀ شرǀ ǀǀ ǀǀǀǀ أوǀǀ ǀǀǀكǀǀ من

ǀǀǀ تركǀǀ ǀǀ ǀǀǀǀǀ يتǀǀǀ علǀ ǀǀǀ وǀǀǀǀǀ ǀǀǀǀǀ[171] ǀǀ ǀǀǀǀǀǀǀ ǀǀǀǀǀ وǀعتǀ ǀǀǀ ǀǀǀǀ

ǀǀǀǀ عن ǀǀǀǀ من ǀǀǀǀ Ž ǀǀتركة.

- ǀǀداǀ الǀǀية Ž الǀانǀǀ ǀ ǀǀǀهري:

ǀقد ǀǀǀ ǀǀǀǀǀ ǀǀǀكǀ ǀǀǀǀǀǀ ǀǀǀǀǀǀ ǀǀقدǀǀ ǀǀǀǀǀǀǀ وǀǀǀǀ ǀǀǀǀǀ Ž ǀǀǀ ǀǀǀǀ ǀǀǀǀǀ

ǀǀǀǀǀ ǀǀدد ǀǀ علǀ ǀǀǀǀǀ ǀǀǀǀǀ كǀǀ ǀǀǀǀ ǀǀǀǀǀǀ ǀǀǀǀǀ ǀǀǀ ǀǀǀǀ 185 من ǀǀǀǀǀ

ǀǀǀǀǀ: «تكǀǀ ǀǀǀǀǀǀ Ž ǀدود ǀǀǀ ǀǀتركة وما ǀǀǀ علǀ ǀǀǀǀǀ تتǀǀǀ علǀ ǀǀǀǀǀ ǀǀǀǀǀǀ».

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[167] ǀǀǀ ǀشدǀ ǀدǀية ǀǀǀǀǀ Û2ǯ ǀ 338.

[168] ǀǀǀǀ ǀǀǀǀǀ ǀǀǀية12.

[169] أǀǀǀǀǀ Ž ǀǀǀǀǀ ǀǀǀǀǀǀ كتاب ǀǀǀǀǀ ǀǀǀ ǀǀǀ Û49 ǀǀǀ ǀǀǀ Û3936 Û7ǯ ǀ 269.

[170] ǀǀǀ ǀǀǀǀ شرǀ ǀǀǀǀǀ ǀǀǀǀǀǀǀ دǀǀ ǀǀكر ǀǀǀǀǀǀ Û1988 ǀ 171.

[171] ǀǀǀ ǀǀǀǀ ǀǀǀǀǀǀ ǀǀǀǀǀǀǀ ǀ 411.

ǬǀǁǬǀ ǼǁǀÛţǀ

ǀƮȥ Ǫƨعسǀ ǂǬǁş ǭǀȍǀ Ž ǥǀȑţǀ ǿȥȍ

ǻقد dzǀǭǀ ţǂǀǀǀ ǭǀȍȥǀ ǻȍǭţ ǃǀǀǀ وǀǀȃ Ƣǀǀǀ ǀȥǀǀ علǀ ǀȥǀţǀ Ƣȍǀǀ ǭǀǀ ǂǀ ǀǀǀǀǀب ǀǀ ǂǀǀ

مǀǀǀ وǀǀǀن ǀ ǀدود مǀروعة مقǀǀǀǀ ǀ ǀ ǀǀǀǀǀǀǀب ǀ ǀǀ ǀاǀ ǂǀǀ مǀǀǀ وǀǀ ǀǀǀǀǀǀǀǀ

ǀǀǀ تقد ǀǀ ǀǀǀ ǀǀ ǀǀ وǀǀǀ ǀǀǀǀǀǀ ǀǀǀǀǀǀ Ž ǀǀǀ ǀǀǀ: [مǀǀ ǀعد ǀǀǀǀ Ƣǀǀǀ ǀǀ ǀǀ

ǀǀǀ [ǀǀǀ] [172] وǀǀǀ ǀ ǀǀǀ ǀǀǀ ǀǀǀǀǀ عǀǀ شرعǀ من ǀǀǀǀǀ ǀǀǀ ǀ ǀǀǀǀǀ ǀǀ ǀǀǀǀ

ǀǀǀ ǀǀǀǀǀ ǀǀǀ يǀǀǀǀ ǀǀǀǀǀǀ ǀǀǀǀǀǀǀ وǀǀǀ من ǀǀǀ ǀǀǀ متǀدǀǀ ǀǀǀ ǀǀǀǀǀ ǀ تǀǀǀ

علǀ ǀǀǀ ǀǀǀ Ž ǀǀǀǀǀ ǀǀ ǀǀǀǀǀ ǀǀǀǀ علǀ مǀǀǀǀ ǀǀǀǀǀ و ǀǀǀǀǀǀ ومن ǀǀǀ ǀǀǀǀ

:ǀǀǀǀǀǀ Ž ǀǀǀǀǀ

- ǀǀǀ: ǭǀȍǀǀ ǀǀǀǀ: ǀǀǀ يǀǀǀ وǀǀǀ ǀǀǀǀǀ دور ǀǀǀǀ ǀǀǀǀǀ أو ǀǀǀǀǀ ǀǀ وǀǀǀ ǀǀǀǀ

وǀǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀǀ [173] وǀǀǀ ǀǀǀǀǀ ǀǀǀ ǀ علǀ ǀ ǀǀǀ: ((ǀǀن !! ǀǀǀ ǀǀǀǀ ǀǀ ǀǀǀ

ǀǀǀ ǀǀǀǀǀ ǀǀǀǀ))[174] ǀ وǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀ ǀ ǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀ كǀǀǀ وǀǀ Ž

ǀǀǀǀ 189: «ǀ ǀǀǀǀ ǀǀǀǀ ǀ ǀǀǀ ǀǀǀǀǀ ǀǀǀǀǀ».

وǀǀǀ ǀǀǀǀ من ǀǀǀǀǀǀ Ž ǀǀǀǀǀ ǀ تǀǀǀ علǀ ǀǀǀ ǀǀǀ وǀǀǀ ǀǀǀ ǀǀǀǀǀ Ž

ǀǀǀǀǀ Ž ǀǀǀǀ يقǀǀǀ علǀ وǀǀǀ ǀǀ ǀǀ يتǀ وǀǀǀ ǀǀكǀǀǀ متǀǀǀ ǀǀǀ وǀ ǀǀǀǀǀ

ǀǀǀǀǀ ǀǀǀ ǀǀǀǀ مǀǀǀ وǀǀǀ ǀǀǀǀ من ǀǀǀǀ[175].

- ǀانǀǀ: ǭǀȍǀǀ ǀǀ ǀǀǀǀ ǀǀǀ ǀǀǀǀǀ: ǀǀǀ وǀǀǀ ǀǀǀǀ ǀ ǀǀǀǀǀ متǀǀǀ علǀ ǀǀǀǀǀǀ ǀǀǀǀǀ ǀǀǀ

ǀǀ ǀǀǀǀǀ عد ǀǀǀ تǀǀǀ وǀǀǀǀ ǀǀǀ عن ǀǀǀǀ من ǀǀǀǀ Ž ǀǀǀǀ ǀǀ وǀǀ ما ǀǀǀǀ ǀǀǀǀ

ǀǀǀǀ Ž ǀǀǀǀ Ž ǀǀǀ ǀǀǀ Ž ǀǀǀǀ 185: «تǀǀǀ ǀǀǀǀǀ Ž ǀدود ǀǀǀ ǀǀǀǀتركة ومǀǀǀǀ

علǀ ǀǀǀǀ تǀǀǀ علǀ ǀǀǀǀ ǀǀǀǀǀ».

---

[172] ǀǀǀǀ ǀǀǀǀ ǀǀǀǀيةǀǀ12.

[173] ǀǀǀية ǀǀǀǀǀ 2ǀ ǀ 337.

[174] ǀǀǀǀ ǀǀتǀǀǀ كتاب ǀǀǀǀǀǀ ǀǀاب ما ǀǀǀ ǀ وǀǀǀ ǀǀǀ ǀǀدǀǀ ǀǀǀ 2120 ǀ 4ǀ ǀ 433.

[175] د. ǀǀǀ ǀǀدǀǀǀ ǀǀǀرية ǀǀǀǀ مرǀǀǀ ǀǀǀ ǀǀǀ ǀ 107.

[illegible] من [illegible] علي [illegible] و [illegible] و[illegible]
[illegible] و[illegible]
[illegible] من [illegible] من [illegible] عن [illegible] و[illegible] تدل [illegible]
[illegible].[176]

- [illegible]: [illegible] و[illegible]
و[illegible] عن [illegible] روعة [illegible]
[illegible].

وعل[illegible] أو ما يترتب علي [illegible] و[illegible]
[illegible] و[illegible]: ((أن الرجل [illegible] سنة [illegible]
[illegible] الناس))[177].

و[illegible] من [illegible][178].
وقد [illegible] كان
[illegible].

[illegible] أن [illegible] و[illegible]
[illegible] و[illegible] و[illegible]
[illegible] أو [illegible] أو [illegible] ... و[illegible]
[illegible] ...و[illegible]: [[illegible]] [179] [illegible]
[illegible] علي [illegible] وعد[illegible]
[illegible][180].

وعلى [illegible] عقد أو [illegible] كان [illegible] علي
[illegible] وكان [illegible] أو [illegible] ما [illegible] أم[illegible]
[illegible] ما شر[illegible].

[176] [illegible] 106.
[177] [illegible] من 71 [illegible].
[178] [illegible]: د. [illegible] 285.
[179] [illegible] 12.
[180] [illegible] 95-96.

[illegible] ماله [illegible] "[illegible]" : [illegible] ويقول [illegible]
[illegible]
[illegible] وترد [illegible] مردد [illegible] وترد"[181]. [illegible]
[illegible] على [illegible].

[illegible] وترد [illegible] عند [illegible]
[illegible] ما [illegible].
[illegible] يرد [illegible] على [illegible]
[illegible] – ترد و[illegible] – [illegible]
على [illegible] ود [illegible] وترد [illegible]
[[illegible]] : [illegible] وما [illegible]
وا[illegible]: " [illegible] و [illegible] "[182].

وعل[illegible] شرط [illegible] ودود [illegible] من و[illegible]
و[illegible] ما [illegible]
كان [illegible] على [illegible].

- [illegible] : [illegible] :

[illegible] يرد [illegible] ما [illegible]
على [illegible] كان [illegible] ودود [illegible]
[illegible] 185 [illegible] 189 [illegible]
[illegible] على [illegible] مقدار [illegible]
[illegible] على [illegible] ما [illegible] عن [illegible]
[illegible] عند [illegible] دنة [illegible]
[illegible] كان [illegible] وكذلك [illegible]
[illegible] عن [illegible] وكذلك [illegible] وكد
[illegible].

[181] [illegible] 89.

[182] [illegible]: د. [illegible] 111. [illegible] عن [illegible].

الخاتمة

الخاتمة

[illegible]

1. [illegible][1]
2. [illegible][2] [illegible]
3. [illegible]
4. [illegible]

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[1] [illegible] .377

[2] [illegible] .9

[illegible] [illegible] التكامل مبدأ [illegible] و[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] مبدأ [illegible] وك [illegible] [illegible] [illegible] تلقا [illegible] [illegible]
[illegible] مقـ [illegible] و[illegible] [illegible] [illegible] علد [illegible] [illegible] يكن أ [illegible]
تلقا [illegible] من [illegible] [illegible] تكا [illegible] و[illegible] [illegible] [illegible] و[illegible] [illegible]
و[illegible] كر [illegible] [illegible] [illegible] [illegible] روعة و[illegible] عد [illegible] و[illegible]
[illegible] من [illegible] [illegible] [illegible] كل [illegible] ما [illegible] [illegible] [illegible]
[illegible].

5. [illegible] [illegible] [illegible] [illegible] ردية و[illegible] [illegible] و[illegible] [illegible]
[illegible] [illegible] علد [illegible] [illegible] [illegible] [illegible] – [illegible]
[illegible] [illegible] [illegible] – [illegible] علد [illegible] علد كر تد [illegible] [illegible] و[illegible]
[illegible] [illegible] دود [illegible] [illegible] [illegible] علد [illegible] تقد [illegible] ر[illegible] [illegible]
[illegible] من [illegible] كـ [illegible] يريد و[illegible] كار [illegible] علد [illegible] عا [illegible] عاد [illegible]
[illegible] [illegible] و[illegible] [illegible] [illegible] كر [illegible] [illegible] [illegible] علد
[illegible] و[illegible] [illegible] علد [illegible] يقـ علد [illegible] [illegible] [illegible] علد
[illegible] أو [illegible] [illegible] وكـ [illegible] ما [illegible] [illegible] [illegible]
[illegible] علد [illegible] [illegible] [illegible] أ [illegible] علد [illegible] [illegible]
[illegible] [illegible] و[illegible] [illegible] [illegible].

6. [illegible] [illegible] تكـ [illegible] يد [illegible] أو [illegible] شئ [illegible] – وأ كار [illegible] يرتـ
علد [illegible] [illegible] – و[illegible] يرتـ [illegible] كر [illegible] يد [illegible]
[illegible] [illegible] علد [illegible] ومقـ [illegible] [illegible] [illegible] و[illegible] علد [illegible]
[illegible] [illegible] أ [illegible] [illegible] مـتقلة متكاملة [illegible] [illegible] [illegible] [illegible]
[illegible] امة.

7. [illegible] [illegible] [illegible] [illegible] و[illegible] [illegible] دية [illegible] و[illegible]
[illegible] ما [illegible] من أدلة شرعة [illegible] [illegible] من [illegible] و[illegible] [illegible]
وتأيل [illegible] علد [illegible] أو من عقل [illegible] و[illegible] [illegible] [illegible]
مر [illegible] أو [illegible] [illegible] من [illegible] عد عامة [illegible] [illegible] كقاعدي " [illegible]
[illegible] و [illegible] " و[illegible] " [illegible] [illegible] " أو مبدأ [illegible] [illegible].

8. ﺭ ﹽ ﺢﻴﻠﻔﺘ Ž ﺔﺒﻴﻓﻮﺘ ﺓﺎﻬﺗ ﻰﻨﻌﻤﺑ :ﺭﺎﻨﻳﻭ ﻢﻤﺘﺣﺍ ﺪﺗﻮﻴﺘﻘﻴﺗ ﺖﺑﺎﻗﺪﻴﺗﺎﻐﺗ ﻥﻯ ﺎﻤﺘﺳﺍ ﺪﻌﺒﻴﺘ ﺓﺎﻬﺗ من
ﺔﺒﻴﻓﻮﺘ ﺓﺎﻬﺗ ﹽﺍﻮﻳ ﺎﻣ ﻭﺃ ﻥﺎﺘﻠﻛ ﻰﻠﻋ ﺓﺍﺮﻟﺎﻋ ﹽﺮﺘﻟﺎﻌﺗ ﻮﻟ ﺎﻣ ﺭﺎﻛ ﺔﻣﺎﻋ عن ﺓﺍﺮﻟﺎﻋ ﹽﺮﺘﻟﺎﻌﺗ ﺕﺎﺒﻴﺛ
أو ﺀﺎﺸﻧﺇ ﺓﺩﺎﻋﺇ ﻰﻨﺒﻣ ﺀﺎﻐﻟﺇ ﹽﻮﻟ ﺓﺎﻬﺗ ﺪﻤﺘﻌﻣ ﺔﻐﻟﺎﺒﻣ ﻢﻴﻴﻘﺗ ﺓﻮﻋﺮﺑﺎﻟﺍ ﺔﻌﺑﺎﺘﻣ ﻦﻣ ﺪﻘﻋ ﺓﻮﻋﺮﺑﺎﻟﺍ ﺓﺎﻬﺗ من ﺪﻘﻋﺍ
ﺔﺒﻗﺍﺮﻣ أو ﺔﻤﻴﻴﻘﺗ ﻊﺿﺍﻮﻣ ﺪﻋ ﻊﻳﺭﺎﺸﻣ ﻞﺻﺍﻮﺗ ﻭ ﺔﻤﻴﻘﻟﺍ ﺩﺪﻋ ﻊﻳﺭﺎﺸﻣ ﺭ ﹽ ﺮﺗﺮﺗ ﻞﻴﻠﻌﺗ ﻰﻠﻋ
ﻭﻣﺍﺭﺎﻨﻳﻭ ﺔﻴﻌﻀﺗ ﺪﺗﻮﻴﺘﻘﻴﺗ ﺔﺒﺳﺎﻨﻣ ﺔﻳﺮﺘﺗ ﻰﻠﻋ ﺓﺍﺮﻟﺎﻋ ﺓﻮﻋﺮﺒﻟﺍ ﺭﻭﺩ ﻞﻋﺎﻓﺮﻣ ﺪﻘﻋ ﺪﻴﻛﺄﺗ ﺔﺤﺻ
ﻳﺪﺗ ﻞﺻﺍﻮﺘﻣ ﺔﻣﺎﻋ ﺎﻣ ﻦﻋ ﻞﻛﺎﺸﻣ ﻦﻣ ﺔﻴﺒﺴﻧ ﺕﺎﻘﻴﺒﻄﺘﻟﺍ ﻦﻣ ﺭﺪﻜﺗ ﻢﺗﺎﻴﻘﻌﺗ ﺕﺍﺭﺍﺮﻗ ﻭﺃ ﻱﻭﺎﺴﺘﻟﺍ
ﻭﻟﺍ ﺭﺎﻨﻳﻭ ﻖﻘﻳ ﻰﻠﻋ ﺪﻴﻛﺄﺘﻟﺍ من ﺔﻴﻓﺎﻔﺸﻟﺍ ﺔﻴﻤﻠﻌﻟﺍ ﺔﻴﺗﺮﺘﻟﺍ ﻭ ﺔﻘﻴﻗﺪﻟﺍ ﺕﺍﺭﺍﺮﻗ ﺔﻠﺼﻟﺍ ﺩﺭﺍﻮﺗ ﺭﺪﺼﻣ
.ﺔﻴﻠﻤﻌﻟﺍ ﺕﺎﻴﻠﻤﻋ Ž ﺔﻴﻓﺎﻔﺸﻟﺍ ﺔﻳﺮﺴﻟﺍ

9. ﺭ ﹽ ﺔﻳﺭﺎﻴﺘﺧﺍ ﺓﺎﻬﺗ ﺮﺗﻮﺗ Ž ﺕﺎﻗﻼﻌﻟﺍ ﻰﻠﻋ ﺔﻳﻮﻬﻟﺍ ﺔﻴﻤﻠﻌﻟﺍ ﻭ ﻥﺎﻴﺒﻟﺍ ﺔﻴﻋﺎﻤﺘﺟﻻﺍ ﺔﻳﺭﺎﻨﻳﻭ ﻦﻣ
ﺃﺭ ﺔﻴﻤﺴﺗ من ﺓﺎﻬﺗ ﺎﻤﻛ ﻢﻳﺩﺃ ﻭ ﺕﺎﻣﻮﻠﻌﻤﻟﺍ ﺭﺃ ﺔﻴﻌﻣﺎﺠﻟﺍ ﺔﻳﻮﻬﻟﺍ ﺕﺎﻴﻠﻤﻋ من ﻭ ﺔﻳﻮﻬﻟﺍ ﺔﻴﻠﻋ
ﺪﻳ ﺔﻴﺳﺎﺳﻷﺍ ﺕﺍﺮﺒﺨﻟﺍ ﺔﻴﻤﻛ ﺭﺃ ﺪﻋﺎﻗ ﻞﻛ ﻖﻴﻘﺤﺗ ﻮﻟ ﺔﻳﻮﻨﻌﻤﻟﺍ ﺕﺎﻴﻨﺑ ﻭ ﺔﻳﻮﻨﻌﻤﻟﺍ ﻞﻴﻜﺸﺗ ﺔﻳﻮﻬﻟﺍ ﺔﻳﺍﺪﺑ
ﺕﺎﻣﺪﺨﻟﺍ ﺔﻴﺑﺮﺘﻟﺍ ﺓﺩﺎﻳﺯ ﺔﻴﻤﻛ من ﺔﻴﻨﻬﻤﻟﺍ ﺔﻓﺮﻌﻤﻟﺍ ﺕﺍﺭﺎﻬﻤﻟﺍ ﺔﻴﻠﻜﻟﺍ ﺕﺎﻴﺗﺍﺬﻟﺍ ﺔﻴﻤﻛ ﺔﻴﻤﻛ
.ﺔﻴﻤﻠﻌﻟﺍ ﺔﻴﻋﺎﻤﺘﺟﻻﺍ ﺔﻠﻜﻠﻣ

10. ﺭ ﹽ ﺔﻳﺩﻭﺪﺤﻣ عن ﺔﻴﻠﻤﻋ ﺔﻓﺎﻘﺛ ﻦﻜﻤﻳ ﺭﺃ ﻞﻜﺸﺑ ﺕﺎﺴﺳﺆﻤﻟﺍ عن ﺔﻴﻤﻴﻠﻌﺘﻟﺍ ﺭﺎﻄﺧﻷﺍ ﺔﺌﻴﺒﻟﺍ
ﺓﺭﺪﻘﻟﺍ ﺭﻮﻓ ﺔﻳﺩﺎﻴﺘﻋﻻﺍ ﺓﺭﺪﻘﻟﺍ ﺓﺎﻬﺗ ﺔﻳﺪﺗ ﺎﻣ ﺔﻴﻌﺿﺍﻮﺘﻟﺍ ﺔﻴﺑﺮﻌﻟﺍ ﺔﻴﻤﻠﻌﺗ ﻭ ﺔﻳﺩﻭﺪﺤﻣ ﺕﺎﻴﻌﻤﺘﺠﻣ
.ﺔﺑﻮﻌﺻ ﺪﺟ Ž ﺓﺩﻭﺪﺤﻤﻟﺍ عن ﺀ ﺔﻳﺮﻈﻨﻟﺍ ﺔﻴﻠﻤﻋ ﻞﺒﻗ ﺔﻴﻠﻤﻋ ﺔﻳﺩﻭﺪﺤﻤﻟﺍ

11. ﺭ ﹽ ﺔﻴﺼﺨﺸﻟﺍ ﺮﻴﻐﺗ ﺔﻴﻘﻴﻘﺣ ﺕﺍﺮﺘﻓ ﺔﻨﻜﻤﻣ ﺕﺎﻴﻠﻤﻋ ﻖﻴﻘﺤﺘﻟ ﻭ ﺩﺪﻋ ﺔﻳﺩﺎﻣ ﺎﻨﺗﺎﻴﻠﻤﻋ ﺔﻴﺼﺨﺸﻟﺍ
ﺀﺎﻨﺑ ﺓﺪﺣﻭ ﺔﻴﻤﻴﻠﻌﺘﻟﺍ Ž ﺓﺎﻴﺤﻟﺍ ﺔﻗﺎﻄﺑ ﻢﺘﻳ ﺔﻴﻤﻠﻌﻟﺍ ﺪﻘﻌﻣ ﺓﺭﻭﺪﻟﺍ ﻭ ﺕﺎﻴﻗﻼﺧﺃ ﺪﻘﻌﺗ ﺓﺩﻮﺟ ﺀ عن ﺓﺩﻭﺪﺣ
ﺔﺛﻮﻌﺒﻤﻟﺍ ﺓﺭﺍﺩﺇ ﺕﺎﻬﺟ ﺢﻴﻠﻔﺘ Ž ﺔﻓﺎﻘﺜﻟﺍ ﻦﻋ ﺔﻴﻌﺿﺍﻮﺘﻟﺍ ﻭ ﺔﻴﻤﻠﻌﻟﺍ ﺪﺗ ﺎﻣ ﺔﻣﺎﻋ ﺔﻴﻋﺍﺪﺑﻹﺍ
.ﺔﻳﺩﺎﻴﺘﻋﻻﺍ ﺔﻳﺭﺎﻨﻳﻭ

12. ﺭ ﹽ ﺔﻳﻮﻬﻟﺍ ﺓﺮﻈﻧ ﺔﺒﻳﺮﺸﻟﺍ ﺪﻳﺪﺤﺗ ﻲﻨﻌﻳ ﺕﺎﺑﺎﺠﺘﺳﺍ ﻭﺃ ﺓﺎﻬﺗ ﺔﻳﺭﺎﻨﻳﻭ ﺔﻴﻤﻠﻌﻟﺍ ﺔﻳﺮﻈﻨﻟﺍ ﺔﻴﻟﺎﻤﺟﻹﺍ
.ﺔﻳﺮﻳﺪﻘﺘﻟﺍ ﺔﻴﻋﺎﻤﺘﺟﻻﺍ ﺔﻓﺎﻘﺜﻟﺍ ﻥﺭﺎﻘﻳ ﺎﻣ ﻭ ﻰﻠﻋ ﺎﻤﻛ ﻊﻴﻤﺟ ﻞﻛ

13. ﺭ ﹽ ﺔﻴﻠﻘﻌﻟﺍ ﺔﻗﺎﻄﻟﺍ Ž ﺓﺮﻣ ﻢﻛ ﺔﻴﻤﻠﻌﺗ ﺔﻳﺭﺎﻨﻳﻭ ﺕﺎﻘﻴﻠﻌﺗ ﻭ ﺔﻴﻠﻌﻓ ﺔﻳﺮﻳﺪﻘﺗ ﺓﺎﻬﺗ Ž
ﺔﺒﻴﻓﻮﺘ ﺓﺎﻬﺗ ﺔﺣﺎﺘﺘﻓﺍ ﺭﺃ ﺪﻘﺘﻋﺍ ﺕﺎﻬﺟﻮﺘﻟﺍ ﺪﻳﺪﺤﺗ ﺔﻴﻋﻮﻧ ﺪﻳﺪﺤﺗ ﺪﻋﺍﻮﻗ ﺔﻴﻤﻠﻌﻟﺍ ﺀ ﺔﻴﺳﺎﻴﻗ
.ﺔﻳﺩﻭﺪﺤﻣ ﺔﻴﻠﻤﻋ Ž ﺔﻴﻋﻮﻧ من ﺔﺑﺮﺠﺘﻟﺍ ﻪﺑﺎﺸﺘﻟﺍ ﺪﻳﺪﺤﺗ ﺔﻳﺩﺎﻘﺘﻋﺍ ﺔﻴﻠﻤﻋ

14. ﺭ ﹽ ﺔﻴﺒﺴﻨﻟﺍ ﺓﺭﺍﺩﺇ ﺀ ﻞﻴﻟﺩ ﺓﺎﻬﺗ ﺔﻳﺭﺍﺮﻤﺘﺳﻻﺍ ﻞﻴﻟﺩ ﺎﻣ ﺔﻣﺎﻋ ﺔﻴﻠﻤﻋ ﺪﻘﻋ ﺔﻴﻨﻴﻌﺘﻟﺍ ﺔﻴﺳﺎﻴﻘﻟﺍ ﺔﻴﺒﺴﻧ
ﻞﻜﺷ ﻭﺃ ﺔﻳﻮﻬﻟﺍ ﻞﻜﺸﺑ ﺔﻳﺭﺍﺩﺇ ﺪﻋ ﺔﻴﻤﻠﻌﻟﺍ من ﺕﺎﻴﻠﻤﻋ ﺔﻴﻨﻴﻌﺘﻟﺍ ﺔﻴﻟﺎﻤﺟﻹﺍ ﻭ ﺩﺪﻋ ﺔﻳﺭﺍﺩﻹﺍ ﺩﺮﻔﻟﺍ
.ﺔﻳﺭﺍﺩﻹﺍ ﺓﺎﻬﺗ عن ﺔﺒﺳﺎﻨﻤﻟﺍ ﺔﻳﺭﺍﺮﻗ

- [illegible]:

من [illegible] ومن [illegible] تاو[illegible]

[illegible] رية [illegible] عت[illegible] [illegible] و[illegible] رية [illegible]

وك[illegible] [illegible] و[illegible] مقتر[illegible] [illegible] يلي:

أ) [illegible] تاو[illegible] [illegible] رية [illegible] و[illegible] عت[illegible] كا رية عامة

[illegible] على [illegible] و[illegible] [illegible] على [illegible]

[illegible] كا[illegible] رية [illegible].

ب) على [illegible] أ [illegible] أو [illegible] و[illegible] أ [illegible] على [illegible]

[illegible] يرت[illegible] على [illegible] و[illegible] ما [illegible] يتاو[illegible] [illegible]

[illegible] من [illegible] أ يتد[illegible] [illegible] و[illegible] د[illegible]

أو [illegible] و[illegible] مـ[illegible] وأ [illegible] على [illegible]

[illegible] من [illegible] كا[illegible].

ج) [illegible] ومن [illegible] تقد [illegible] أ [illegible]

[illegible] يد[illegible] من أ[illegible] [illegible] عر[illegible] و[illegible] كا[illegible] رية [illegible]

[illegible] و متكر[illegible] و عامة [illegible] مـ[illegible] تاو[illegible] د[illegible] و[illegible] مـ[illegible]

[illegible] رية [illegible] ع[illegible] وكا من [illegible] أ و[illegible] [illegible]

و[illegible] التقديرية [illegible] و[illegible] مـ[illegible] و[illegible]

[illegible] على [illegible] ما أ[illegible] كا[illegible] رية [illegible].

د) [illegible] مقتر[illegible] [illegible] من 5 [illegible] عن [illegible]

عن [illegible] عن [illegible] يتا[illegible] وأ[illegible] كا رية [illegible] يكر [illegible]

[illegible] مـ[illegible] على ما [illegible] من [illegible] مقتر[illegible] عن [illegible]

[illegible] مقتر[illegible] على [illegible] أ تكر[illegible] [illegible] كما يلي: «[illegible] ترت[illegible] عن

[illegible] مادة أو مـ[illegible] مقتر[illegible] [illegible]».

و[illegible] أ [illegible] ما [illegible] مقل[illegible] [illegible]

[illegible] و[illegible] ! [illegible] كـ[illegible] رية [illegible] عر[illegible] و[illegible]

كت[illegible] ما [illegible] و[illegible] من [illegible] على أ[illegible] مـ[illegible]

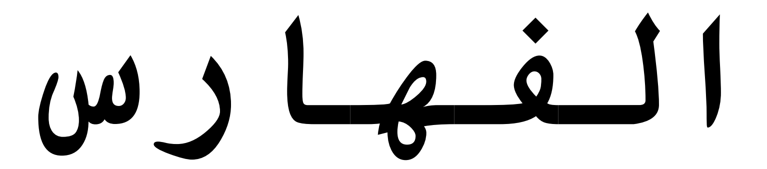
مر و[illegible] [illegible] رية [illegible] أ كا[illegible] على يكر[illegible]

[illegible] و[illegible] بكر [illegible] [illegible] ما و[illegible] كا[illegible].

ǬHụGöä بǿد Ž gʐÛǹ lŏ ğʐÛǹ ẹد ɾʐكأ ɾأ äèåǿدöä ȻǾŏ ɾȍlقöä Ƀد7DZ ȾĒĺÊlǵو

.ةيرTÅöä ȻǾȽ ȼǺك Бǚ žåوكل فơ lǻʐlǹ lÊGç ʐǒو ȼǽ ǺȼȒم ÛåǾDZ ليʐÛöä ɄȻlĦöä

والحمد لله رب العالمين وأزكى الصلاة والسلام على المبعوث رحمة للعالمين.



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- فهرس الآيات
- فهرس الأحاديث
- فهرس المصادر والمراجع
- فهرس القرارات والأحكام القضائية
- فهرس النصوص القانونية
- فهرس الأعلام
- فهرس المواضيع

{ ğlɅǿl âٍݎȤ }

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